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# HOUSE JOURNAL

OF THE

SIXTH SESSION

OF THE

# Legislative Assembly

OF THE

STATE OF MONTANA.

---

Begun at Helena, the Capital of said State, on the Second Day of  
January, A. D. 1899, and Concluded on the Second  
Day of March, A. D. 1899.

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PUBLISHED BY AUTHORITY.

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Helena, Montana:  
INDEPENDENT PUBLISHING CO.,  
State Printers and Binders.  
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# HOUSE JOURNAL.

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## FIRST DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 2nd, 1899.

Pursuant to law, at the hour of 12 m. the House of Representatives of the Sixth Legislative Assembly of the State of Montana was called to order by Thomas S. Hogan, Secretary of the State of Montana.

The roll was called and members presented their Certificates of Election.

Secretary Hogan then introduced Associate Justice Piggott, who administered the oath of office, which was duly signed by all members present, as follows:

W. W. Beasley, W. G. Bennett, Powell Black, W. J. Bonner, Charles Boylan, M. J. Burke, Stephen Bywater, Jere A. Clifford, J. M. Conrow, E. H. Cooney, C. M. Crutchfield, E. C. Day, W. C. Eversole, B. J. Fine, Miles Finlen, John Fitzpatrick, H. A. Gallwey, H. H. Garr, F. L. Gibson, James H. Gillette, W. A. Hedges, H. M. Hill, W. O. Hutchinson, G. F. Ingersoll, A. L. Jacqueth, J. H. Johnson, C. F. Kelley, Patrick Kelley, F. W. Kuphal, Edwin M. Lamb, Joseph A. Lewis, William Lindsay, W. H. Lockhart, C. C. Long, P. H. Luddy, J. M. Madden, G. W. Magee, G. F. Marcyes, James E. Martin, E. D. Matts, H. W. McLaughlin, John McLeod, D. E. Metlen, James T. Moran, E. V. More, P. W. Murray, T. F. Normoyle, William O'Brien, L. C. Parker, G. T. Paul, Jesse I. Phelps, H. H. Potting, R. M. Sands, Michael Shovlin, Guy W. Stapleton, W. J. Stephens, Henry C. Stiff, A. L. Stone, P. G. Sullivan, T. M. Swindlehurst, W. J. Sweeney, John R. Toole, J. L. Truscott, John Walsh, O. Y. Warren, R. J. Watson, E. H. Wilson, E. P. Woods.

On motion of Hedges of Fergus County, E. C. Day of Lewis and Clarke was made Temporary Chairman. A. L. Sone of Missoula was appointed Temporary Clerk. Stephens moved that the following-named persons constitute the permanent officers of the House:

For Speaker, H. C. Stiff of Missoula; Speaker Pro Tem, Edwin M. Lamb of Silver Bow; Chief Clerk, C. R. Craig of Lewis and Clarke; Assistant Chief Clerk, J. M. Kennedy of Deer Lodge; Sergeant at Arms, Charles A. Wagner of Cascade; Assistant Sergeant at Arms, Martin Lyden of Lewis and Clarke; Journal Clerk, Frank Longstaff of Missoula; Enrolling Clerk, Miss Alta Child of Lewis and Clarke; Engrossing Clerk, Henry Miles of Broadwater;

Door Keeper, Charles Callahan of Gallatin; Day Watchman, Edwin S. Bell of Madison; Night Watchman, G. E. Philbin of Silver Bow; Chaplain, B. E. H. Warren of Lewis and Clarke; Pages, Leslie Booker, William Flynn, Frank Gleason of Lewis and Clarke, and Thomas Hughes of Deer Lodge; Janitor, Ennis Bell of Silver Bow.

Hedges moved to amend that the following be substituted:

For Speaker, William Lindsay; Speaker Pro Tem, A. L. Jaqueth; Chief Clerk, F. P. Sterlin; Assistant Chief Clerk, W. T. McFarlane; Sergeant at Arms, Robert Leavins.

The roll being called, the motion of Stephens prevailed and the following were declared to be the permanent officers of the House:

Speaker, H. C. Stiff; Speaker Pro Tem, Edwin M. Lamb; Chief Clerk, C. R. Craig; Assistant Chief Clerk, J. M. Kennedy; Sergeant at Arms, Charles A. Wagner; Journal Clerk, Frank Longstaff; Enrolling Clerk, Miss Alta Child; Engrossing Clerk, Henry Miles; Door Keeper, Charles Callahan; Day Watchman, Edward S. Bell; Night Watchman, G. E. Philbin; Chaplain, B. E. H. Warren; Pages, Leslie Booker, William Flynn, Frank Gleason, Thomas Hughes; Janitor, Ennis Bell.

Associate Justice Piggott then administered the oath of office to the Speaker. The other officers and employes, with the exception of J. M. Kennedy, Assistant Chief Clerk, were then called up and the oath of office administered to them by the Speaker.

On motion of Hedges, the rules of the House of the Fifth Legislature were adopted until the report of the Committee on Rules of this House can be had.

On motion of Hedges, the Speaker appointed Messrs. Hedges, Garr and Toole a committee to inform the Senate that the House was now organized, and also to act with a like committee of the Senate to inform the Governor that both branches of the Sixth Legislative Assembly were fully organized and were awaiting any communication that he may see fit to make.

The following communications were received:

"All members of the Legislature are cordially invited to attend the 'open house' to be given by Thomas Cruse this afternoon and evening from 5 to 10 p. m."

Helena, Montana, January 2nd, 1899.

To the Members and Employes of the Sixth Legislative Assembly:

The Jefferson Club extends to you a most cordial invitation to visit its club rooms in the Parchen Block this afternoon between the hours of 2 and 6.

Refreshments will be served and a Democratic New Year's greeting extended to all.

Very respectfully,

JEFFERSON CLUB.

Helena, Montana, January 1st, 1899.

The Honorable Speaker and House of Representatives of the State of Montana, Helena, Montana:

Dear Sirs:

We desire to offer for use of your honorable body during the session a long-distance telephone, and will be pleased to place it where you may deem advisable upon notification.

We also offer to the members the free use of our toll lines, when called for from this instrument or from any of our public stations. This invitation does not extend to points west of Spokane, as that is the limit of our system on the west.

Very respectfully,

H. SOMMERS,  
Superintendent.

On motion of Paul, the several invitations were accepted and a vote of thanks extended.

On motion of Woods, the House then adjourned until 10 o'clock tomorrow.

C. R. CRAIG,  
Chief Clerk.



## SECOND DAY.

### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 3rd, 1899.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The minutes of the first day were read, and on motion of Stephens the Clerk was directed to correct the minutes to include the motion of Stevens that the House proceed to ballot on the permanent organization.

Representatives Losekamp of Yellowstone and Flynn of Cascade presented their credentials and Mr. Speaker administered the oath of office.

Hedges of the committee appointed to act with a like committee from the Senate to notify the Governor of the organization of the two Houses and their readiness to receive any communication he might wish to present, reported that the committee had performed that duty and had arranged to meet at the Auditorium in joint session with the Senate at the hour of 11 a. m. this day, to receive the message from his Excellency, the Governor.

On motion of Stevens, the report of the committee was received and the committee discharged.

The following communication from the Senate was received:

Helena, Montana, January 2nd, 1899.

We, your committee appointed for that purpose, have the honor to inform the Honorable House of Representatives that the Honorable Senate is duly organized and ready for business.

Respectfully yours,

GRUWELL,  
CULLEN,  
WORDEN,

Committee.

On motion of Stephens, the House then proceeded to the Auditorium, there to go into joint session with the Honorable Senate to attend the reading of the message of his Excellency the Governor, and when the joint session dissolves, that the House stand adjourned until 10 a. m. to-morrow.

## JOINT SESSION.

The hour of 11 a. m. having arrived, and the members being present, Mr. Speaker called the House to order, and the Sergeant at Arms announced the arrival of the Honorable Senate of the State of Montana. The Speaker resigned the gavel and the Senate and House resolved themselves into joint session, with Lieutenant Governor A. E. Spriggs in the chair. The rolls of the Senate and the House being called, a quorum of the respective bodies was found to be present.

On motion of Stanton, the President appointed a committee of six, composed of Senators Stanton, Cullen and Anderson, Representatives Hutchinson, Black and Gallwey, to wait upon his Excellency, the Governor, and inform him that the joint assembly was now in session, ready to receive any communication he might be pleased to make, and to escort him to the assembly.

The committee appointed for that purpose escorted his Excellency to the platform and introduced him to the assembly.

His Excellency, the Governor, then proceeded to read his message. At the conclusion of the reading, on motion of Whiteside, a vote of thanks was tendered his Excellency, the Governor, for his able and comprehensive communication.

On motion of Riddell, the joint session dissolved, and as per previous motion, the House stood adjourned until 10 o'clock to-morrow.

C. R. CRAIG,  
Chief Clerk.

### THIRD DAY.

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#### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 4th, 1899.

House met pursuant to adjournment, at 10 o'clock a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of the second day read and approved.

Mr. Speaker announced that at to-morrow's session he would name the several Standing Committees of the House.

#### PRESENTATION OF PETITIONS.

Petitions were received in reference to the enactment of a Civil Sunday rest law applicable to the business of the several signers of the same, and were read by the Clerk.

Stephens moved that Mr. Speaker appoint a committee of three to make a distribution of the different topics suggested by the Governor's message to the various House committees. The motion prevailed and Mr. Speaker appointed Stephens, Toole and Black as such committee.

On motion of Stephens, the House then adjourned until 10 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## FOURTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 5th, 1899.

The House met at 10 a. m. to-day, pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the third day was read and approved, after the following correction was made: That the paragraph in the minutes relating to the notice of introduction of a bill by Johnson of Carbon, be eliminated, and that the member be required to again give notice, in writing, of his intention to introduce a bill. The Chair held that hereafter all notices of introduction of bills must be given in writing.

The following notices of the introduction of bills were given:

By Garr:

A bill to provide for the election of road supervisors and amend the present road law.

By Truscott:

A bill, entitled "An Act to amend Section 516 of the Code of Civil Procedure, by adding one subdivision thereto, and to amend Section 517 of said Code by repealing Sub-division 3 thereof.

By Hedges:

A bill for an Act to amend Sections 3821, 3822, 3823, of Article II, Chapter VI, Title X, Part III, of the Political Code of Montana, relating to the ending of the fiscal year, and the filing of reports of state and county officers.

By Truscott:

A bill entitled, "An Act to amend Section 4653 of the Political Code, relating to the compensation of witnesses in courts not of record, and on coroner's inquests."

By Kelley, C. F.:

A bill for an act to amend Sections 891 and 895 of the Code of Civil Procedure of the State of Montana, relating to attachments.

By Shovlin:

A bill for an Act entitled An Act to amend Section 592 of the Code of Civil Procedure.

The following communications were received and read:

## STATE OF MONTANA,

Helena, Montana, January 5th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the following notices of bills have been presented:

By Whiteside:

A bill to create a State Board of Horticulture.

By Myers:

A bill to amend the present road law by repealing House Bill No. 266 of the session acts of the Fifth Legislative Assembly of the State of Montana, of 1897, and re-enacting certain laws relating to road and road supervisors by it repealed.

Also:

A bill to create a new judicial district of the State of Montana, to be composed of the Counties of Granite and Ravalli, and to be known as the Twelfth Judicial District.

By Connolly:

A bill for an Act to regulate assignments of present and future wages and to provide means for the regulation thereof.

Yours respectfully,

D. P. O'CONNOR,  
Secretary of the Senate.

Helena, Montana, January 4th, 1899.

Honorable Mr. Speaker, House of Representatives:

Sir—I have to inform you that I have caused to be placed in your lobby, for the convenience of yourself and members, a United States mail box for the receipt of letters and packages. Four collections, made daily from this box at the hours noted thereon, will give all matter gathered the quickest dispatch over the different routes centering in Helena.

Respectfully,

A. J. FISK,  
Post Master.

Helena, Montana, January 3rd, 1899.

To the Speaker of the Montana State House of Representatives:

The Trustees of the Helena Public Library desire to extend to the members of the Sixth Legislative Assembly of Montana, and to the families of members, a hearty invitation to make use of all the facilities of the library during the present legislative session.

Very respectfully,

FRANK C. PATTEN,  
Librarian.

## REPORT OF SELECT COMMITTEES.

The following report was received and filed:

Mr. Speaker:

Your committee, to whom was referred the Governor's message for the purpose of segregating the several topics thereof and apportioning the same to the appropriate committees of the House, beg leave to report as follows:

That all of the said message of the Governor, from the beginning down to and including the paragraph headed "Reduction of Expenses," and also that paragraph headed "Interest on State Warrants," shall be referred to the Committee on Ways and Means.

That portion headed "Mileage Fees of Sheriffs," and also that portion headed "Salaries of District Judges," shall be referred to the Committee on Townships and Counties.

That portion headed "Legal Rate of Interest" shall be referred to the Judiciary Committee.

That portion headed "Public Printing" shall be referred to the Committee on Printing.

That portion headed "Retrenchment and Economy," also that portion headed "Omaha Exposition," and also that portion headed "Investment of School Funds," shall be referred to the Committee on Appropriations.

That portion headed "Reapportionment of the State" shall be referred to the Committee on Apportionment and Representation.

That portion headed "State Bounty Law," that portion headed "Bounty on Coyotes," that portion referring to the "Veterinary Surgeon," and also the report of the "Bureau of Agriculture," shall be referred to the Committee on Agriculture and Stockraising.

That portion headed "Reports of State Officers," and also that portion headed "Report of Arid Land Commission," shall be referred to the Committee on State Lands.

That portion headed "Report of Inspector of Mines" and "Inspector of Boilers" shall be referred to the Committee on Mines and Mining.

That portion headed "Report of State Examiner" shall be referred to the Committee on State Boards and Officers.

That portion headed "Report of Adjutant General" shall be referred to the Committee on Military Affairs.

That portion beginning with paragraph headed "State Capitol Building," also that portion headed "Insane Asylum," also that portion headed "Penitentiary," shall be referred to the Committee on State Institutions, Public Buildings and Grounds.

Those portions beginning with paragraph headed "University," and including "Agricultural College," "Normal School," "Deaf and Dumb School," "School of Mines," "Reform School," "Orphans' Home" and "Soldiers' Home," shall be referred to the Committee on Education.

That portion headed "Railroad Commission" shall be referred to the Committee on Railroads and Transportation.

All of which is respectfully submitted,

STEPHENS,  
Chairman.

Upon motion of Garr, the report was adopted and the committee discharged.

Mr. Speaker then announced the following standing committees:

Ways and Means—Lewis, Cooney, Stephens, Sweeney, Burke, Lindsay, Truscott.

Appropriations—Paul, Warren, Wilson, Walsh, McLaughlin, Marcyes, Phelps.

Judiciary—Crutchfield, Kelly, Day, Black, Matts, Stephens, Gibson, Lamb, Stapleton.

Privileges and Elections—Gallwey, Hutchinson, Boylan, Sullivan, O'Brien, Conrow, Moran.

Agriculture and Stockgrowing—Woods, Phelps, Ingersoll, Gillette, Lindsay, Sweeney, Moran, Luddy, Conrow.

Mines and Mining—Finlen, Sullivan, Bonner, Shovlin, Clifford, Johnson, Parker.

Townships and Counties—Watson, Madden, Martin, Truscott, Metlin, Hedges, Lindsay.

Education—Stone, Walsh, Kelly, Metlin, Toole, Moore, Woods.

Military Affairs—Garr, Martin, Luddy, Bennett, Fine, Beasley, Sands.

Federal Relations—Stapleton, Day, Potting, Eversole, Hedges, Murray, McLeod.

Internal Improvements—McLaughlin, Fitzpatrick, Kuphal, Magee, Paul, Flynn, Jacqueth.

Incorporations and Manufactures—Toole, Crutchfield, Stapleton, Phelps, Paul, Walsh, Parker.

State Lands—Stephens, Metlin, Ingersoll, Wilson, O'Brien, McLaughlin, Bennett.

Irrigation and Water Rights—Wilson, McLaughlin, Gillette, Losekamp, Ingersoll, Jacqueth, Beasley.

State Boards and Officers—Kelley, C. F.; Warren, Potting, Sullivan, Garr, Johnson, Normoyle.

Labor—Murray, Boylan, Fine, McLaughlin, Bonner, Bywater, Bennett.

Apportionment and Representation—Burke, Stone, Kelley, P.; Losekamp, Kuphal, Toole, Magee.

Railroads and Transportation—Matts, Watson, Kelley, P.; Losekamp, Clifford, Bywater, O'Brien.

State Institutions, Public Buildings and Grounds—Toole, Gallwey, O'Brien, Stone, Walsh, Sweeney, Swindlehurst.

Fish and Game—Gillette, Stapleton, Losekamp, Woods, Fitzpatrick, Hedges, Bywater.

Affairs of Cities—Sweeney, Kelley, C. F.; Phelps, Walsh, Flynn, Black, Swindlehurst.

Rules and Joint Rules—Lamb, Stephens, Crutchfield, Toole, Lindsay.

Mileage and Per Diem—Lindsay, Madden, Cooney, Truscott, Bywater.

Immigration—Losekamp, McLeod, Gibson, Marcyes, Moran, Lockhart, Parker.

Printing—Normoyle, Warren, Cooney, Stone, Jacqueth.

Engrossment—Cooney, Stapleton, Woods, Lockhart, Long.

Enrollment—Madden, Hutchinson, Stephens, Flynn, Marcyes.

Libraries—Day, Hedges, Moore, Gibson, Fine.

Insurance—Clifford, Walsh, Lewis, Paul, Day.

Highways—O'Brien, Eversole, Fitzpatrick, Conrow, Sands, Marcyes, Shovlin.

Upon motion of Stephens, the House adjourned.

C. R. CRAIG,  
Chief Clerk.



**FIFTH DAY.**

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**HOUSE OF REPRESENTATIVES.**

Helena, Montana, January 6th, 1899.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present. •

Prayer by the Chaplain.

Journal of the fourth day read and approved.

McLeod of Gallatin asked that Martin of Gallatin be excused from the day's session.

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**NOTICES.**

Notice of the introduction of bills were given as follows:

By Cooney:

To provide for the license, management and control of surety companies doing business in the State of Montana, and for the acceptance of such companies when properly licensed as surety upon official bonds and bonds given in legal proceedings, or otherwise required to be given, by the State, county or municipalities, and to repeal Section 1900 of the Code of Civil Procedure of the State of Montana. \*

By Walsh:

To amend Section 681, Article III, Title IV, Chapter I, of the Civil Code of the State of Montana, relating to the distribution of tax collected from fire insurance companies.

By Truscott:

An Act entitled An Act to amend Article IX, Section 1059, of the Political Code, relating to the bond of officers.

By Johnson:

To provide for the election of road supervisors, to define their powers and duties and to fix their compensation.

By Lindsay:

To prohibit building and loan associations from charging a withdrawal fee, or imposing a fine upon the par value of the stock or declared dividend.

By Jacqueth:

For an act whereby a lien can be placed upon logs, timber, etc.

By Fitzpatrick:

To amend Section 4312, Article I, Part IV, Title II, of the Political Code relating to county officers.

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### MESSAGES FROM THE SENATE.

Helena, Montana, January 5th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that bills were introduced as follows:

By Myers:

Senate Bill No. 1—An act to repeal House Bill No. 266 of the Session Acts of the Fifth Legislative Assembly of the State of Montana of 1897, and to re-establish the office of district road supervisor, and to re-enact any and all laws, parts of laws, legislative acts and parts of legislative acts repealed by said House Bill No. 266; also,

Senate Bill No. 2—An act to create and establish in the State of Montana a new judicial district of the State of Montana, to be composed of the Counties of Granite and Ravalli, in the State of Montana, and to be known as the Twelfth Judicial District, and to provide for the appointment of a judge thereof; and to change the boundaries of the Third and Fourth Judicial Districts in accordance therewith.

By Connolly:

Senate Bill No. 3—A bill for an act to regulate assignments of present and future wages and to provide means for the regulation thereof, and penalties for the violation of this act, as well as penalties to prevent the "grabbing" of wages and to provide fees of notaries public and other officers authorized to administer oaths, and of county recorders herein.

Notices of intention to introduce bills were given as follows:

By Stanton:

A bill to define the liabilities of railroad corporations, within this State, in relation to damages sustained by their employes.

By Tierney:

A bill to amend Article II, Title VIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Commission and relating to irrigation and water rights.

Yours respectfully,

D. P. O'CONNOR,  
Secretary of Senate.

## REPORT OF STANDING COMMITTEE.

Mr. Speaker:

Your Committee on Mileage and Per Diem, having ascertained the actual number of miles traveled by members to and returning from the seat of government, together with the several amounts due said members, beg leave to submit the following report:

Beasley, W. W., Big Timber to Helena, 314 miles .....	\$31.40
Bennett, W. G., Helena to Helena, 2 miles .....	20
Black, Powell, White Sulphur Springs to Helena, 240 miles.....	24.00
Boylan, Charles, Anaconda to Helena, 198 miles .....	19.80
Bonner, W. J. Nelhart to Helena, 330 miles .....	33.00
Burke, M. J. Butte to Helena, 144 miles .....	14.40
Bywater, Stephen, Kalispell to Helena, 968 miles .....	96.80
Clifford, Jere A., Butte to Helena, 144 miles .....	14.40
Cooney, E. H., Great Falls to Helena, 198 miles .....	19.80
Conrow, J. M., Livingston to Helena, 246 miles .....	24.60
Crutchfield, C. M., Hamilton to Helena, 346 miles .....	34.60
Day, E. C., Helena to Helena, 2 miles.....	20
Eversole, W. C., Hassel to Helena, 94 miles .....	9.40
Fine, B. J., Virginia City to Helena, 334 miles .....	33.40
Finlen, Miles, Butte to Helena, 144 miles .....	14.40
Fitzpatrick, John, Anaconda to Helena, 198 miles .....	19.80
Flinn, Robert, Cascade to Helena, 142 miles .....	14.20
Gallwey, H. A., Butte to Helena, 144 miles .....	14.40
Garr, H. H., Columbia Falls to Helena, 938 miles .....	93.80
Gillette, James H., Willow Creek to Helena, 262 miles.....	26.20
Gibson, F. L., Meadow Creek to Helena, 266 miles .....	26.60
Hedges, W. A., Yale to Helena, 638 miles .....	63.80
Hill, H. M., Clancy to Helena, 30 miles .....	3.00
Hutchinson, W. O., East Helena to Helena, 12 miles .....	1.20
Ingersoll, G. F., Miles City to Helena, 774 miles .....	77.40
Jacqueth, A. L., Kalispell to Helena, 968 miles .....	96.80
Johnson, J. H., Red Lodge to Helena, 536 miles .....	53.60
Kelley, Patrick, Great Falls to Helena, 198 miles .....	19.80
Kelley, C. F., Butte to Helena, 144 miles .....	14.40
Kuphal, F. W., Helena to Helena, 2 miles .....	20
Lamb, Edwin W., Butte to Helena, 144 miles .....	14.40
Lewis, J. A., Butte to Helena, 144 miles .....	14.40
Lindsay, Wm., Glendive to Helena, 928 miles .....	92.80
Long, Chas. C., Cottonwood to Helena, 486 miles .....	46.80
Losekamp, John D., Billings to Helena, 476 miles.....	47.60
Lockhart, W. H., Bernice to Helena, 119 miles .....	11.90
Luddy, P. H., Jefferson to Helena, 42 miles .....	4.20
Magee, George W., Dupuyer to Helena, 516 miles .....	51.60
Metlen, D. E., Dillon to Helena, 284 miles .....	28.40
Murray, P. W., Butte to Helena, 144 miles .....	14.40

Moran, James T., Yantic to Helena, 464 miles .....	46.40
Marcy, H. R., Forsythe to Helena, 680 miles .....	68.00
Madden, John M., Anaconda to Helena, 198 miles .....	19.80
Matts, E. D., Anaconda to Helena, 198 miles .....	19.80
Martin, James E., Bozeman to Helena, 198 miles .....	19.80
McLeod, John, Bozeman to Helena, 198 miles .....	19.80
More, E. V., Castle to Helena, 220 miles .....	22.00
McLaughlin, H. W., Missoula to Helena, 250 miles .....	25.00
Normoyle, T. F., Butte to Helena, 144 miles .....	14.40
O'Brien, Wm., Sheridan to Helena, 302 miles .....	32.20
Paul, Goodwin T., Dillon to Helena, 284 miles .....	28.40
Parker, L. C., Garnet to Helena, 192 miles .....	19.20
Phelps, Jesse I., Helena to Helena, 2 miles .....	20
Potting, H. H., Marysville to Helena, 43 miles .....	4.30
Sands, R. M., Harlem to Helena, 522 miles .....	52.20
Shovlin, Michael, Winston to Helena, 40 miles .....	4.00
Stapleton, Guy W., Butte to Helena, 144 miles .....	14.40
Stone, A. L., Missoula to Helena, 250 miles .....	25.00
Sullivan, Philip G., Garnet to Helena, 192 miles .....	19.20
Sweeney, W. J., Helena to Helena, 2 miles .....	20
Stephens, W. J., Missoula to Helena, 250 miles .....	25.00
Swindlehurst, T. M., Livingston, 246 miles .....	24.60
Toole, John R., Anaconda to Helena, 198 miles .....	19.80
Truscott, J. L., Glasgow to Helena, 742 miles .....	74.20
Walsh, John, Bozeman to Helena, 198 miles .....	19.80
Warren, O. Y., Anaconda to Helena, 198 miles .....	19.80
Watson, R. J., Butte to Helena, 144 miles .....	14.40
Wilson, E. H., Butte to Helena, 144 miles .....	14.40
Woods E. P., Stevensville to Helena, 346 miles .....	34.60
Stiff, H. C., Missoula to Helena, 250 miles .....	25.00

WILLIAM LINDSAY,  
Chairman.

Report amended by adding 25 miles to mileage of Lockhart and that the mileage of Fine be made to read 334.

On motion of Woods the report was adopted as amended and referred to the Committee on Appropriations.

#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Shovlin:

House Bill No. 1—A bill for an act entitled an act to amend Section 592 of the Code of Civil Procedure of Montana.

By Truscott:

House Bill No. 2—A bill entitled an act to amend Section 4653 of the Political Code, relating to the compensation of witnesses in courts not of record and on coroner's inquests.

By Truscott:

House Bill No. 3—A bill for an act to amend Section 516 of the Code of Civil Procedure by adding one subdivision thereto and to amend Section 517 of said code by repealing subdivision 3 thereof.

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#### MOTIONS AND RESOLUTIONS.

Mr. Speaker:

I move that the following committees be authorized to employ a clerk for each committee, to-wit:

Ways and Means, Appropriations, Judiciary, Railroad and Transportation, Printing, Enrolling, Engrossing, and that the Printing Committee be empowered to employ a stenographer and typewriter (being one person), and that the Speaker of the House be authorized to appoint a clerk for his use, and that when the services of such clerk is not required by the Speaker that the clerk be at the service of the Chief Clerk or one of the House committees.

STEPHENS.

Motion carried and so ordered.

Lockhart offered the following motion:

Mr. Speaker:

I move that the House elect a porter and messenger for the various House committees, who shall also be care-taker of the cloak room, whose compensation shall be the same as that of the other attaches, and that John Lynch be elected by the House as such employe.

Moved by Day to amend by striking out all that portion after the words, "whose compensation shall be," and substitute the words, "same as door-keeper."

The motion carried as amended.

Moved by Day, and seconded by Fine, that the Sergeant at Arms be directed to procure for the use of each of the members a copy of the Daily Independent, Anaconda Standard, Butte Miner, Helena Herald, Great Falls Tribune and the Butte Inter Mountain.

Motion lost.

It was moved by Cooney, and seconded by Clifford, that when the House do adjourn it adjourn until 10 a. m. Monday.

Moved by Stephens, and seconded by Burke, as an amendment, that the hour of 2 p. m. be substituted for 10 a. m., and as amended the motion carried.

Moved by Day, and seconded by Stephens, that the election of a caretaker of the cloak room be made a special order of business for 3 p. m., Monday. The motion carried and it was so ordered.

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READING OF HOUSE BILLS.

House Bill No. 1 was read first and second times and referred to the Judiciary Committee.

House Bill No. 2 was read first and second times and referred to the Judiciary Committee.

House Bill No. 3 was read first and second times and referred to the Judiciary Committee.

On motion of Stephens, seconded by Day, the House adjourned.

C. R. CRAIG,  
Chief Clerk.

## EIGHTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 5th, 1899.

House met at 2 p. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The minutes of the previous day's session were read and approved, with the following correction: That H. B. No. 2 was introduced by Truscott instead of by Kelley, C. F.

Mr. Speaker announced the following changes in the standing committees of the House:

On the Irrigation and Water Rights Committee, substitute Eversole instead of Jacqueth.

On the Insurance Committee, add the names of Hill and Martin.

On the Committee on Highways, substitute Jacqueth instead of Eversole, and add the names of McLeod and Hill.

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### COMMUNICATIONS FROM THE SENATE.

The following communication from the Senate was received and read:

Helena, Montana, January 9th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Stanton:

Senate Bill No. 4, a bill for an act to define the liabilities of railroad companies, within this State, in relation to damages sustained by their employees.

By Tierney:

Senate Bill No. 5, a bill for an act entitled an act to amend Article II, Title VIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Grant Commission and defining its powers and duties, by adding thereto the following:

Notices of the introduction of bills were given as follows:

By Norris:

A bill amending Section 3869, Political Code of Montana, relating to

chattel mortgages and the taking of mortgaged personal property under attachment or execution.

By Courtney:

"A bill for an act to create for each city of this State, having the requisite number of inhabitants, a Board of Municipal Service Commissioners, to have the management and control of the Police and Fire Departments of such cities, and to provide for the appointment of such commissioners; to define and regulate their duties and powers over such departments and the direction and removal of the officers and members thereof, and to repeal all laws in conflict therewith."

D. P. O'CONNOR,  
Secretary.

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#### COMMUNICATIONS.

The following communicatoin was received:

Helena, Montana, January 5th, 1899.

To the House of Representatives of the Sixth Legislative Assembly:

Gentlemen—I have the honor to herewith hand you for your consideration the Ninth Annual Report of the State Board of Equalization.

Very respectfully,

DAVID MARKS,  
Clerk of the Board.

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#### NOTICES.

Notice of the introduction of bills was given as follows:

By Murray:

A bill for an act to amend Section 2434 of the Code of Civil Procedure of the State of Montana, relating to the appointment of administrators of the estates of deceased persons.

By Martin:

A bill for an act entitled an act concerning fees of jurors in civil cases.

By Woods:

A bill for an act appropriating money for the payment of the claims of certain persons for services rendered to the State of Montana during the year 1897.

By Stone:

A bill for an act entitled an act to empower the Board of School Trustees of any district to establish and maintain free kindergartens for the instruction of children between three and six years of age.



By Stone:

A bill for an act entitled an act providing liens upon sawlogs, piling, railroad ties, cordwood or other timber, and upon lumber and shingles, and concerning the remedy to secure and obtain such liens, and the benefit thereof, and the manner and procedure of obtaining the same.

By Day:

A bill for an act entitled an act to provide a lien for boarding and lodging house keepers and to amend Section 2502 and repeal Section 2511, Civil Code.

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#### REPORTS OF STANDING COMMITTEES.

The following reports were received and read:

Helena, Montana, January 9th, 1899.

Mr. Speaker:

Your Committee on Engrossment beg leave to report that they have selected Miss Lilian Dowlan as clerk of the committee, in accordance with the action of the House granting such clerk. Miss Dowlan will be at the service of the Chief when not employed in the work of the committee.

COONEY,  
Chairman.

Helena, Montana, January 6th, 1899.

Mr. Speaker:

The Committee on Enrollment begs leave to report that they have appointed Edward Burke a clerk of said committee.

JOHN M. MADDEN,  
Chairman.

Helena, Montana, January 6th, 1899.

Mr. Speaker:

Your Committee on Printing beg to announce that they have selected Richard Butler, of Silver Bow, as their clerk, and Lena Fluhr, of Lewis and Clarke as their stenographer and typewriter.

Respectfully,

NORMOYLE,  
Chairman.

Helena, Montana, January 6th, 1899.

Mr. Speaker:

We, your Ways and Means Committee, beg leave to report that they have selected Miss Minnie S. Bowers as their clerk.

LEWIS,  
Chairman.

Helena, Montana, January 9th, 1899.

Mr. Speaker:

Your Committee on Judiciary beg leave to report that they have selected Miss Cora Connell as clerk.

CRUTCHFIELD,  
Chairman.

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#### MESSAGES FROM THE GOVERNOR.

Helena, Montana, January 6th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

In pursuance to the provisions of law, I have the honor to transmit herewith to your honorable body a copy of the report of the State Capitol Commission for the period ending December 1st, 1898.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Referred to Committee on State Institutions, Public Buildings and Grounds.

Day moved that the reports of the Committees on Enrollment and Engrossment be rejected in so far as such reports referred to the employment of committee clerks.

Mr. Speaker ruled the motion out of order.

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#### INTRODUCTION OF BILLS.

Paul, chairman of the Committee on Appropriations, asked and was granted unanimous consent to introduce a bill without giving previous notice, whereupon he introduced House Bill No. 6, a bill for an act to appropriate moneys for the payment of mileage and per diem for the members of the Sixth Legislative Assembly of the State of Montana; also for the payment of the per diem of the officers and attaches thereof.

By Johnson:

House Bill No. 5—A bill for an act to provide for the election of road supervisors; to define their powers and duties; to fix their compensation and for other purposes.

By Truscott:

House Bill No. 4—A bill for an act entitled an act to amend Article 9, Section 1059, of the Political Code, relating to the bonds of officers.

## READING OF BILLS.

House Bill No. 4 was read a first and second time and referred to the Judiciary Committee.

House Bill No. 5 was read a first and second time and referred to the Committee on Highways.

House Bill No. 6 was read a first and second time at length and referred to Printing Committee.

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SPECIAL ORDER.

The hour of 3 o'clock having arrived, for which the election of a caretaker of the cloak-room of the House had been made a special order, the House proceeded to ballot upon the following nominations: John Lynch, J. C. Sullivan, Andrew McConnell, King Johnston, W. H. Barrett, H. J. Wieder, J. W. Owens and Peter Gamble.

Moved by Woods, and seconded by Garr, that after the first ballot all except the two highest names on the list be dropped.

Motion carried.

The first ballot resulted as follows: Lynch 22, Sullivan 20, Gamble 8, Barrett 11, Weider 1, Owens 2, McConnell 3, Johnston 2. Total number of votes cast 69.

The second ballot resulted in Sullivan receiving 47 votes and Lynch 22.

Mr. Speaker thereupon declared Sullivan elected.

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COMMUNICATION FROM THE SENATE.

Helena, Montana, January 9th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following resolution, introduced by Campbell, was adopted:

Whereas, Charges of bribery and corruption have been made against members of the Sixth Legislative Assembly of the State of Montana, and against certain persons lobbying in the interest of the candidates for the United States Senate;

Therefore be it Resolved, By the Senate of the State of Montana, that Senators Anderson, Norris and Stanton be and are hereby appointed a committee to co-operate with a like committee to be appointed by the Honorable House of Representatives and that the said committee be and is hereby authorized to investigate such charges and subpoena and compel the attendance of witnesses; to administer oaths to such witnesses, and the sergeant at arms of the Senate, together with the assistant sergeant at arms, is hereby directed to obey the orders of said committee, and subpoena

all witnesses required by said committee to make a proper investigation of said charges, and the said committee is hereby directed to proceed to investigate said charges as speedily as possible and to report the facts, together with the testimony taken, to a joint session to be composed of the Honorable Senate and House of Representatives.

Very respectfully,

D. P. O'CONNOR,  
Secretary of Senate.

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### RESOLUTIONS.

The following resolution was offered by Stephens:

Whereas, Charges of bribery and corruption have been made against members of the Sixth Legislative Assembly of the State of Montana, and against certain persons lobbying in the interest of the candidates for the United States Senate;

Therefore, be it Resolved, By the House of Representatives of the State of Montana That the Speaker of the House be and is hereby authorized to appoint a committee consisting of three persons to co-operate with a like committee to be appointed by the honorable Senate, and that the said committee be and is hereby authorized to investigate such charges and subpoena and compel the attendance of witnesses; to administer oaths to such witnesses, and that the sergeant at arms of the House, together with the assistant sergeant at arms, is hereby directed to obey the order of said committee, and subpoena all witnesses required by said committee to make a proper investigation of said charges, and the said committee is hereby directed to proceed to investigate said charges as speedily as possible and to report the facts together with the testimony taken to a joint session to be composed of the honorable Senate and House of Representatives.

Moved by Day, seconded by Fine, that the resolution be referred to the Printing Committee.

Moved in amendment by Toole, seconded by Finlen, that the resolution be adopted as read.

Day arose to a point of order, maintaining that under the rules the resolution could not be considered the same day it was introduced without unanimous consent of the House.

Mr. Speaker declared the point of order not well taken.

Day appealed from the decision of the Chair.

The appeal was seconded by Kuphal and Fine.

Upon a division being demanded the House sustained the appeal by a vote of 31 to 36.

Moved by Day, seconded by Fine, that the resolution be printed.

Moved by Stapleton as a substitute, seconded by O'Brien, that the House proceed to consider the resolution forthwith.

A roll call being demanded the substitute was carried by the following vote:

Ayes—Beasley, Bonner, Boylan, Burke, Bywater, Clifford, Cooney, Crutchfield, Flinn, Gallwey, Garr, Gillette, Hedges, Ingersoll, Jacqueth, Kelley, Kelley, Patrick, Lamb, Lewis, Lindsay, Long, Madden, Magee, Matts, More, Murray, Normoyle, O'Brien, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—42.

Nays—Bennett, Black, Conrow, Day, Eversole, Fine, Fitzpatrick, Gibson, Hill, Hutchinson, Johnson, Kuphal, Lockhart, Losekamp, Luddy, Marcyes, Martin, McLaughlin, McLeod, Metlen, Moran, Parker, Paul, Phelps, Potting, Swindlehurst, Truscott—Total 27.

Absent—Shovlin.

Moved by Day, seconded by Walsh, that the resolution as read be adopted by the House.

Carried.

Mr. Speaker appointed as members of the committee provided for in the resolution Messrs. Stephens, Cooney and Toole.

Moved by Day, seconded by Kuphal, that the reports of the various standing committees submitted at this day's session be adopted.

Mr. Speaker ruled the motion out of order.

Upon motion of Woods the House thereupon adjourned .

C. R. CRAIG,  
Chief Clerk.

## NINTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 10th, 1899.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of eighth day read and approved.

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### REPORTS OF STANDING COMMITTEES.

The following reports were received:

Mr. Speaker:

Your Committee on Rules and Joint Rules hereby report that it has met a like committee of the Senate, and hereby recommend that the joint rules of the Fifth Legislative Assembly be adopted as the joint rules of the Sixth Legislative Assembly, with the following amendments, changes and additions, to-wit: that joint rule No. 4 be amended so as to read as follows:

No. 4—Transmission of Papers—Each House shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded, and on transmission of any House bill to the Senate the Secretary of the Senate shall deliver to the Clerk of the House a dated receipt for such bill, and on the transmission of any Senate bill to the House the Chief Clerk of the House shall deliver to the Secretary of the Senate a dated receipt therefor.

That a rule to be known as and numbered 21 is hereby added to such joint rules, and which shall read as follows, to-wit:

No. 21. All bills introduced in either house shall have suitable covers of a good substantial material so that the history of the bill may be written thereon.

That a rule to be known and numbered 22 shall be added to the joint rules, and shall read as follows:

No. 22—A Steering Committee Provided for—The President of the Senate shall appoint a committee of five Senators and the Speaker of the House shall appoint a like committee of five House members, and such ten members so appointed shall constitute a joint steering committee, and such joint steering committee shall on and after the 40th day of the Legislative Session have au-

thority and are directed to fix the order of consideration of all bills, memorials and resolutions coming before the Senate or House for consideration, subject, however, to the general provision that in the Senate all House business shall be first considered, and in the House all Senate bills shall be first considered; all reports of the House Committee of such Joint Steering Committee shall be signed by its chairman, and also be signed and approved by the Chairman of the Senate Steering Committee, and all reports of the Senate Committee of such Joint Steering Committee shall be signed by its Chairman and also signed and approved by the Chairman of the House Steering Committee.

LAMB,  
Chairman.

Helena, Montana, January 10th, 1899.

Mr. Speaker:

Your Committee on Railroads and Transportation beg leave to report that on yesterday they employed Miss Margaret Hurley as clerk of said committee, in pursuance of authority granted by the House.

MATTS,  
Chairman.

Helena, Montana, January 10th, 1899.

Mr. Speaker:

Your Committee on Appropriations desire to report that yesterday we selected Mrs. Nancy L. Featherly to act as our clerk.

Respectfully submitted,

PAUL,  
Chairman.

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#### REPORTS OF SELECT COMMITTEES.

Toole, Chairman of the select joint committee appointed to investigate the charges of bribery affecting members of the Sixth Legislative Assembly, informed the House that the committee was ready to make a partial report.

Unanimous consent was given the committee to make a report at this time.

While awaiting the arrival of the honorable the Senate, the House took a recess.

Upon motion of Toole the House resumed, Mr. Speaker in the Chair.

The sergeant at arms announced the presence of the Honorable Senate of the State of Montana.

Lieut. Governor A. E. Spriggs assumed the chair and called the joint session to order.

Senator Whiteside arose to a question of personal privilege and was granted permission to address the joint assembly.

## REPORT OF SELECT COMMITTEE.

The following report was presented and read by the Secretary of the Senate:

To the Joint Assembly of the Sixth Legislative Assembly:

Your Joint Committee, appointed to take testimony and make a report concerning charges of bribery, beg leave to report that we have made a partial investigation and herewith submit the testimony taken by us. We have not made a full and complete investigation and would therefore respectfully ask that this committee be retained for further investigation.

The testimony and exhibits herewith attached are submitted as our partial report, and we request that the same be read for the information of the Joint Assembly.

The committee further recommends that the District Court of Lewis and Clarke County be requested, by resolution of this body, to convene the grand jury forthwith, for such action as may be proper in connection herewith.

J. T. ANDERSON,  
Chairman of Senate Committee.  
EDWIN NORRIS,  
GEO. H. STANTON,  
W. J. STEPHENS,  
Chairman of House Committee.  
E. H. COONEY,  
J. R. TOOLE.

Joint Investigating Committee of the Sixth Legislative Assembly, appointed on this 9th day of January, A. D. 1899, for the purpose of investigating charges of bribery alleged to have been committed by certain senatorial candidates and certain lobbyists in the interests of senatorial candidates, met on said 9th day of January, 1899.

Present: Senators Anderson, Norris and Stanton, and Representatives Stephens, Cooney and Toole.

Fred Whiteside was first called, and being duly sworn according to law, deposed and said as follows, to-wit:

Q. State your name, age, occupation and residence.

A. My name is Fred Whiteside, age thirty-seven, residence Kalispell, Montana, occupation, carpenter and contractor.

Q. What, if any, official position do you hold in the State of Montana?

A. I am a State Senator for Flathead County.

Q. Do you know anything of your own knowledge about money having been paid or offered to be paid to members of the Sixth Legislative Assembly by senatorial candidates, or any one representing senatorial candidates?

A. Yes.

Q. Senator Whiteside, you may state in your own way just what has occurred between you and any or all of the senatorial candidates or any of their representatives.



A. I have had various transactions with the senatorial candidates and their agents and others, from which I have learned of the corrupt use that is being made of money in this senatorial contest, and if you will allow me, I will first state how I came to acquire this information.

Six years ago I was in Helena, during the senatorial contest, and I saw the corrupt methods that were practiced at that time. Also in the senatorial fight of 1895, and when I was elected to the Senate last fall, I determined, if possible, to expose anyone who should attempt such practices in this body.

When I arrived in Helena ten days ago, I was looked upon by all of the senatorial candidates as a fit subject for missionary work. I was approached by the agents of all of them, but the representatives of W. A. Clark were the only ones that offered me any money. I apparently fell in with their plans and was soon on the inside. In order to learn all the facts, I got in and worked for Clark, and they regarded me as a valuable man, and told me all that was being done. They offered me ten thousand dollars in cash and a great deal more in promises. John B. Wellcome and Charlie Clark were the managers, while their chief assistants have been A. J. Steele, William McDermott and W. M. Bickford. They were all engaged in buying or trying to buy the support of members for W. A. Clark for United States Senator. All of them have talked it over in my presence, except Mr. Bickford. For some reason he has seemed to be a little shy of me, but I knew through others what he was doing. Besides the men I have named, they had a great many second lieutenants with whom I did not come in contact. I have in my hands now thirty thousand dollars in currency which I will turn over to your committee; five thousand dollars of this was paid to me by John B. Wellcome for my own services, and I will explain in detail how I received the rest of the money. I desired to get some proof, besides the money and my own word, and as I had confidence in the integrity of State Senator Clark of Madison County, I sent Congressman Campbell to him. They had a talk together and Mr. Clark agreed to help me. I met him by appointment in Mr. Campbell's room in the Helena Hotel on the night of January 3rd. I explained to him fully the part I wanted him to take, and then I saw Mr. Wellcome and told him that Senator Clark of Madison County could probably be bought. Mr. Wellcome authorized me to offer him ten thousand dollars, and the next time I saw Wellcome, which was the next day, I told him that Clark would accept it. About nine o'clock on the evening of January 4th, I met Wellcome in the lobby of the Helena Hotel and he asked me to bring Clark up and fix the matter up. We three went up to room 201 and Wellcome placed ten one-thousand dollar bills in a large envelope and it was sealed up. Clark put an endorsement on it, and they gave it to me to hold until Clark should fulfill his part of the agreement, which was that he was to vote for W. A. Clark of Butte for United States Senator whenever they wanted him. If he voted as agreed, I was to give him the money, whether W. A. Clark was elected or not. This is the envelope which contains the money. It has not been opened and has been in my possession ever since I received it.

Senator Whiteside here produced the envelope in question, which was by the committee opened, its contents noted and counted, and same filed herein as Exhibit A.

(Continuing.) I talked the senatorial situation over with Charlie Clark, Wellcome and others very often. We discussed the different members and they told me of the members that had been bought and others with whom they were negotiating. Wellcome said, "Every man who votes for Clark is to be paid, and the man who votes for him without being well paid is a fool." They gave me the names of the members whom they claimed had been bought and the amounts which had been paid or put up for them. The amounts which they paid or put up for each member was from five to ten thousand dollars. They claimed to have bought about an equal number of republicans and democrats, but they would not pay over five thousand dollars for republicans. At the request of Wellcome and Charlie Clark, I approached Senator Myers of Ravalli County, but not in the way they intended. They authorized me to offer him ten thousand dollars. I talked the matter over with Senator Myers and he agreed to help me make the exposures. I afterwards saw Wellcome and told him that Myers would accept the ten thousand dollars. He asked me to take Myers up into a room in the Helena Hotel and he would meet us with the money. This was about seven o'clock on the evening of January 7th. I took Myers to the room and then went to Wellcome's room, but instead of going to see Myers with me, he gave me the money and asked me to fix it with Myers. I then went to Myers and counted out the ten thousand dollars and put it in an envelope and sealed it. I took the envelope and showed it to Wellcome. The understanding was that I was to keep the money until Myers voted for Clark, when I was to turn it over to him. This is the envelope which contains the money. It is still sealed and has been in my possession ever since I received it.

The envelope referred to by Senator Whiteside was here presented by him and opened in the presence of the committee, and its contents noted and marked Exhibit B hereof. The contents of said envelope was found to be ten thousand dollars in currency.

(Continuing.) There seemed to be no end to the supply of money. I think they expected to use nearly a million dollars, and as near as I can judge have already paid out about two hundred thousand dollars; a considerable portion of this money was absorbed by the second lieutenants who handled it. Some of it was paid to members, but the larger portion of it was deposited with third parties, to be held in escrow. They ran short of money several times, because large-sized bills were hard to get. The most of it was in one-thousand dollar bills, some of five hundred and some of fifty and one hundred. Wellcome said that W. A. Clark had instructed them to go in and win, no matter what it cost. They generally paid five hundred or a thousand dollars down and the balance was placed in the hands of a third party, to be paid to the member after he had given his support to W. A. Clark for United States Senator. It was not contingent upon Clark's election.

After I had received the first money from Wellcome, I went to W. G. Conrad and also to John R. Toole, representing Mr. Matts, and intimated to them that the Clark people were using money. I did this in order to give them a chance to make me an offer of money, but they both stated that they would not use a dollar in that way. I did not consult with any one about going into this thing, but did it entirely upon my own responsibility. I wanted to catch every man who was concerned in such work and my object was to break up the band of boodlers that have so long infested this State. State Senator Clark and Senator Myers both helped me for the sole purpose of making this exposure, and not for any hope of gain or reward for themselves. I also talked the matter over a number of times with Representative Garr of Flathead County. He said he had been offered money and I advised him to tell them that he would take it, and to have them place it in my hands. He went up to see Wellcome in his room on Sunday, January 8th. When he came down he said Wellcome had promised to place the money in my hands the next day. The following day I saw Wellcome in his room and he gave me five one-thousand dollar bills for Garr. It was at this time he gave me the five thousand dollars for myself. As soon as I received the money, I went down and took Garr into another room and put the five thousand dollars into an envelope and sealed it and had Mr. Garr sign his initials on the back of it. This is the envelope which contains that money. It has not been opened and has been in my possession ever since I received it.

The envelope here referred to was presented to the committee by Mr. Whiteside, and by the committee opened, its contents noted, and the same is filed herewith as a part hereof and marked Exhibit C. The contents of said envelope were five one-thousand dollar bills.

(Continuing.) I also put the five thousand dollars which I received for myself in an envelope and sealed it and put my initials, "F. W." on the back of the envelope. Here is the envelope. It has not been opened, and has been in my possession all the time.

The envelope referred to was here presented by Senator Whiteside to the committee, was by the committee opened, its contents noted and marked "Exhibit D." Its contents was found to be five one-thousand dollar bills.

(Continuing.) I do not think W. A. Clark knew all the details but he knew in a general way what was being done by Wellcome and others, for in talking over the different members with him, he spoke of Senator Anderson and said that he could not be influenced with money like some of the other members. I have never had any ill will toward any of the persons about whom I have testified, and I was not doing this in the interest of any other senatorial candidate. In fact, I did not let any of them know what I was doing. I would have caught the others if they had been using money. At least that was my intention, and I believe I could have done it.

Q. Mr. Whiteside, when did you arrive in Helena.

A. On Friday morning before the opening of the session—December 30th.

Q. Had you taken this matter up with Mr. Wellcome and others before coming here or had any conversation with them concerning these matters which you have testified to?

A. Only in a general way. I had not been offered any money; no promises had been made.

Q. When were you first offered money by Mr. Wellcome; or others on behalf of W. A. Clark of Butte?

A. It was about Sunday, January 1st; I would not be positive about the date, though.

Q. For whom was John B. Wellcome working or representing?

A. He claimed to be representing W. A. Clark of Butte.

Q. Do you know of your own knowledge whether or not he was representing Mr. Clark of Butte?

A. Yes, I think I do.

Q. Now, explain how you know that.

A. From conversations had with Mr. Clark himself.

Q. You have had conversations with W. A. Clark of Butte during the last few days, have you?

A. Yes.

Q. During that time was Mr. Wellcome present or in consultation with Mr. Clark?

A. He was.

Q. So then you are certain that Mr. Wellcome was representing Mr. Clark with the knowledge of Mr. Clark.

A. Yes, sir.

Q. Was Mr. William McDermott of Butte doing the same?

A. Yes, sir.

Q. What do you know about Mr. Bickford representing Mr. Clark?

A. Only what I was told by others.

Q. You have stated in your testimony here that your sole object was for the purpose of exposing the hoodlers, and not with any purpose of making any pecuniary gain for yourself. Is that correct?

A. Yes, sir.

Q. Have you taken anyone else into your confidence in this matter outside of A. J. Campbell, W. A. Clark of Madison County, Senator Myers of Ravalli County, and Representative Garr of Flathead?

A. I have taken a number into my confidence to a limited extent, as far as necessary to secure their assistance.

Q. Then Clark of Madison, Myers of Ravalli and Garr of Flathead are the members for whom you have received money from Wellcome to purchase their votes for W. A. Clark of Butte for the United States Senate?

A. Yes, sir; and myself.

Q. Under an agreement with these three gentlemen to co-operate with you for the purpose of exposing this bribery business?

A. Yes, sir.

Q. Then these three gentlemen acted only for the purpose of exposure and not for the purpose of keeping money for their own use. Is that so or not?

A. Yes, sir.

Q. And you accepted this money for yourself and also for them, not with the purpose of keeping it, but only for the purpose of exposure?

A. Yes, sir.

Q. At whose suggestion or at whose instance, if anyone, did you undertake to carry out this idea of exposing the boodlers?

A. No one's but myself.

Q. Then you acted upon your own responsibility and at your own instance?

A. I did, entirely.

Q. Are there any other matters you desire to present at this time concerning this question?

A. Yes, there is one matter bearing on this question I wish to mention to the committee. Mr. William McDermott of Butte stated to me several times that he would kill anyone who divulged anything that had occurred in this matter.

Q. Then William McDermott was acquainted with what had occurred and what you have testified to before?

A. In a general way, he did.

Q. Mr. Whiteside, do you know of any of the other senatorial candidates using or offering to use money or other valuable thing for the purchase of votes?

A. I do not.

Q. Do you know of any other senatorial candidates, or parties purporting to represent them, who have paid or promised to pay, or who have offered any money or other valuable thing to secure votes for any candidate?

A. I do not.

Q. You say you have approached Mr. John R. Toole, representing Senator Matts?

A. Yes.

Q. And he made you no offer?

A. No, he stated they had no money for that purpose.

Q. You say in your testimony that you have also approached W. G. Conrad?

A. Yes, sir.

Q. Did he offer you any money or make you any promises of compensation at all, or in any way?

A. He did not. He said he would not use any money in that way.

Q. Will you please state again who it was who gave you the money which has been exhibited here to this committee?

A. John B. Wellcome.

FRED WHITESIDE.

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W. A. Clark, being first duly sworn, deposes and says:

Q. State your name, age, residence and occupation.

A. W. A. Clark, age thirty-six, occupation lawyer, residence Virginia City, Montana.

Q. What official position, if any, do you hold in the State of Montana?

A. I am State Senator from Madison County.

Q. Senator Clark, have you heard the testimony of Senator Whiteside produced before this committee?

A. I have.

Q. You may state fully any information you may have concerning the matters testified to by him.

A. I arrived in Helena on the 31st day of December, 1898. I had heard considerable talk about money being used by senatorial candidates. On the 3rd day of January I had an interview with Congressman Campbell, in which he informed me that money was being used by senatorial candidates and that the Clark people, because of the fact that I had not declared myself for any candidate, were figuring on buying me. Mr. Campbell then detailed to me what Mr. Whiteside was doing in connection with ferreting out cases of bribery and wanted me to co-operate with Whiteside in giving evidence to expose persons who were paying money to get votes for the senatorial candidates. I took the matter under advisement for about a day and finally consented to go into the scheme to expose the persons who were buying votes. Mr. A. J. Campbell then sent Mr. Whiteside to me and we met in room 115 at the Helena Hotel and talked over the details and mode of procedure. It was finally agreed between Mr. Whiteside and myself that Mr. Whiteside should go to the Clark people and inform them that my vote could be purchased for Mr. Clark for the sum of ten thousand dollars, the money to be left with Mr. Whiteside and to be delivered to me when I had delivered my vote for Mr. Clark for Senator. The next day Mr. Whiteside came to me and we talked the matter over again and I insisted that I would deal with nobody in the matter but W. A. Clark of Butte himself. The matter ran along that afternoon, and it became necessary for me to leave the city and it became a matter of doubt whether I could get to see Mr. Clark personally. Finally Mr. Whiteside came to me and told me that Mr. Wellcome wanted to see me and to go to room 207 in the Helena Hotel. I went

to room 207 and found Mr. Wellcome there and Mr. A. J. Steele. Mr. Steele left and Wellcome and myself proceeded to talk over the senatorial situation. He stated to me that they wanted my vote and influence for Mr. Clark, and that they wanted it hard. I asked Mr. Wellcome what there was in it, and he said ten thousand dollars. I told him all right; that they could have my vote when they produced the money and deposited it in Mr. Whiteside's hands, to be paid to me when I had complied with the conditions which they named. These conditions were that I was to vote for W. A. Clark of Butte as long as they requested it, or until they saw there was no chance for election to the United States Senate. Wellcome said to me, "I haven't got the currency now; we have paid out so much and have used up all the big bills we could find in the Helena banks, but it is all right; we will turn the money over to Whiteside for you." I told him I had no doubt that they would, but I wasn't doing business in that way, and they would have to produce the money and let me count it to see that it was right and I would seal it up and turn it over to Whiteside in his presence, after marking the envelope so that I could identify it in case anything happened to Whiteside. Mr. Wellcome then said that the "old man," (meaning W. A. Clark of Butte) would be in on the evening train and he would bring with him a lot of currency in large bills, and that he would see me again that evening and fix it up. I then left the room and about half past 9 or 10 o'clock that night, on January 4th, 1899, Whiteside came to me and said that Wellcome wanted to see me. Mr. Whiteside and myself went together to room 201 in the Helena Hotel, and after talking a little while Mr. Wellcome took me over into the corner, took an envelope out of his pocket, took out a bunch of bills and said there was ten thousand dollars there. I took the bills and counted them over and there was ten one-thousand dollar bills. I placed them back in the envelope, sealed the envelope, and wrote my initials on the seal flap. I then wrote across one end of the envelope the words, "The property of W. A. Clark;" under that the words, "To be delivered to him under understood conditions," and then spread a large blot of ink on the envelope as an additional mark of identification. I then took the envelope and in Mr. Wellcome's presence delivered it to Mr. Whiteside. Mr. Wellcome then wanted me to go and see Representatives Paul and Metlin of Beaverhead County, and see if I couldn't get them to vote for Mr. Clark. This I agreed to do, but I never did it. I then left the room and left Mr. Whiteside and Mr. Wellcome there.

Q. Senator Clark, have you stated fully all you know about this matter?

A. I have.

Q. Have you had any other offers to buy your vote for a candidate for the United States Senate other than as you have above detailed?

A. I have not.

Q. Do you know of your own knowledge of other bribes being offered or taken to influence a vote for United States Senator?

A. I do not.

Q. What object and purpose did you have in view in your negotiations and dealings with Mr. Wellcome?

A. My object was to secure evidence to show that money was being used to bribe members of the Legislature and to influence their vote on the senatorship.

Q. Senator Clark, you may examine the envelope I hand you and state whether or not it was the one that was delivered to you by Mr. Wellcome and by you delivered to Senator Whiteside.

A. It is. The writing on the envelope is that put there by me in Mr. Wellcome's presence and after he had delivered it to me.

The witness now examines the envelope and contents, and the envelope contains ten one-thousand dollar bills.

The envelope and contents is also offered and received in evidence as an exhibit to the above evidence of said W. A. Clark.

W. A. CLARK.

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Albert J. Campbell, being duly sworn, deposes and says:

Q. State your residence, age and occupation.

A. I reside at Butte, Montana, age forty-one, occupation lawyer.

Q. Mr. Campbell, what official position, if any, do you hold at the present time?

A. Not any. I am congressman-elect.

Q. When did you arrive in Helena?

A. On Friday, the 30th day of December, 1898.

Q. Have you any knowledge of any actions on the part of Senator Whiteside and Senator Clark with the view of exposing corrupt practices in connection with the contest for United States Senator? If so, you may state briefly the facts and circumstances thereof.

A. I think it was on the 2nd day of January, Mr. Whiteside came to me and informed me that the Clark people wished him to see if he could purchase the vote of Senator Clark of Madison County and requested me to see Senator Clark and see if he was willing to aid him in exposing the attempted bribery. He then detailed to me the part that he desired Senator Clark to act, and I then went to Mr. Clark, took him to my room in the hotel and outlined a policy that he was requested to pursue. Mr. Clark said that while he was willing to take hold and expose the bribery, that he did not know that he wanted to take that part. He said that he would let me know the next morning. In the morning I met him in the Senate chamber, and he told me that he was willing to do it. I don't remember whether I sent him to Mr. Whiteside or not, but I did make arrangements for a meeting in my room, No. 115, in the Helena Hotel. I afterwards saw Mr.



Clark and he told me that he and Mr. Whiteside had agreed upon the mode of procedure, and on the night that Mr. Clark went away he told me that Mr. Wellcome had paid him ten thousand dollars, to be left in Mr. Whiteside's hands under certain conditions, and that he and Mr. Whiteside intended to return the money into the House of Representatives or Senate.

A. J. CAMPBELL.

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Henry L. Myers, being first duly sworn, deposes and says:

Q. State your name, age, residence and occupation.

A. Henry L. Myers, age thirty-six years, residence Hamilton, Montana, occupation lawyer.

Q. What official position do you hold at present time, if any?

A. State Senator for Ravalli County, Montana.

Q. When did you arrive in Helena?

A. December 30, 1898.

Q. Prior to your arrival in Helena, had you heard any rumors of bribery in connection with the selection of a United States Senator for Montana?

A. Nothing definite.

Q. Were you interviewed after your arrival in Helena by any candidates or parties representing candidates for the United States Senate, and if so, state by whom.

A. Yes, by a good many, in a general way.

Q. Was there at any time any suggestion made to you as to the purchase of your vote for any candidate for the United States Senate?

A. By Senator Whiteside, but not with the view of delivering it.

Q. Did you have any conversation with Mr. Whiteside relative to entering into a scheme to expose certain corrupt practices? If so, you may detail the circumstances thereof.

A. Last Tuesday Senator Whiteside asked me to go to his room with him at the Hotel Warren in this city, and I went with him. When we got there, Senator Whiteside said that W. A. Clark of Butte was corruptly using a great deal of money in his senatorial fight, and that he (Senator Whiteside) had been offered the sum of ten thousand dollars by agents of W. A. Clark of Butte, to get his vote for Clark for United States Senator, and that he could get the same sum offered to me for my vote for W. A. Clark, and that he was authorized to make that offer to me, and that he could get the money for my vote put up with him to hold pending my vote, for the purpose of getting evidence of bribery. He spoke of the advisability of our taking up the proposition and getting the money put into his hands in order to expose the corruption. I told Senator Whiteside that I would never, under

any circumstances, vote for W. A. Clark for the United States Senate, and that I had made up my mind to have nothing to do with him or his money, but as to this proposition, that I would have to consider it a while, as it had never occurred to me before and I did not care to go into it hastily. He asked me to think it over, and I told him I would. I thought the matter over for several days, and last Saturday morning I told a friend of mine, in whose judgment I had great confidence, that I had an opportunity to get ten thousand dollars of W. A. Clark's money deposited in the hands of another party, for the purpose of influencing my vote for United States Senator, and of exposing the deal in connection with the party who would agree to hold the money, but that I was doubtful about going into it, as it would be a disagreeable piece of business. He advised me to go ahead with the matter and expose the corruption and advised me that it was my duty to the people of Montana to do so. I then determined to go into the matter for the purpose of exposure, and to co-operate with Senator Whiteside. I saw Senator Whiteside Saturday forenoon and told him that I did not care, unless necessary, to meet W. A. Clark or any of his people, and that I had no promises to make, but that, for the purposes of exposure, he could go to the agents of W. A. Clark, who had made this proposition to him, and tell them for me that if they wanted to put the sum of ten thousand dollars in Senator Whiteside's hands, on the condition that if I voted for W. A. Clark for United States Senator the money was to be at my disposal, and otherwise not, they could do so. I saw Senator Whiteside Saturday afternoon again. He said that he had seen Mr. Wellcome and that Mr. Wellcome had agreed to deposit ten thousand dollars with him on those conditions, and that it would be done at the Helena Hotel that evening after dinner. Senator Whiteside said it would be necessary for me to go to a room in the Hotel Helena in order to see the money deposited, and for me to meet him again at the Hotel Helena that evening. I went to the Hotel Helena again that evening and met Senator Whiteside, who asked me to go upstairs to a room with him. I went up to a room in the Helena Hotel with Senator Whiteside. I do not know the number of the room, nor whose room it was. There was no one else in there. Senator Whiteside said he would go into another room and get Mr. Wellcome and bring him in with the money. Senator Whiteside went out and came back in a few minutes. He said Mr. Wellcome was busy and would not come in. Senator Whiteside thereupon drew out of his pocket a large envelope and a roll of money, which he said Wellcome had sent in by him. Senator Whiteside counted the money in my presence, and it amounted to the sum of ten thousand dollars. He put the money in the envelope and sealed the envelope and said it would be necessary for me to put my initials on the back of the envelope in order to identify it in evidence. I took a pen and ink and wrote my initials on the back of the envelope. Senator Whiteside put the envelope in his pocket, and we went down, and that is the last I have seen of it until to-night.

Q. Senator Myers, you may examine Exhibit B and state whether or not it is the envelope and contents that you say were delivered to you by Senator Whiteside.

A. I have examined it and it is the same.

HENRY L. MYERS.

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Senator Eggleston moved, seconded by Senator Stanton, that the report of the special committee be adopted and that the committee be continued. The motion prevailed.

Moved by Toole, seconded by Paul, that the money mentioned in the report of the Joint Investigating Committee and now in the hands of the President of the Joint Assembly, be deposited by the chairman of the Joint Investigating Committee with the State Treasurer and his receipt be taken therefor.

Carried.

The following resolution was offered by Stephens:  
Mr. President of the Senate and Joint Assembly:

Resolved, By the House of Representatives in Joint Assembly with the Senate, that the evidence submitted to the Joint Assembly by the Joint Committee of the Senate and House, is sufficient to convict the persons therein named of the crime of bribery in any district court in this State, and, therefore, we request that the Judge of the District Court of the First Judicial District in and for the County of Lewis and Clarke call a session of the grand jury in said district to take up and examine into the matter stated in said report, as they would in any other case of alleged crime against the peace and dignity of the State.

Moved by Stapleton, seconded by Stone, that the resolution be adopted.

Carried.

The Joint Assembly thereupon dissolved.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Day:

House Bill No. 7, an act entitled an act providing a lien for boarding and lodging house keepers, and to amend Section 2502 of the Civil Code, and to repeal Section 2511 of the Civil Code.

By Stone:

House Bill No. 8—An act providing liens upon saw logs, piling, railroad ties, cordwood or other timber and upon lumber and shingles, and concerning the remedy to secure and obtain such liens and the benefit thereof, and the manner and procedure of obtaining the same.

By Lindsay:

House Bill No. 9—A bill for an act prohibiting building and loan associations from charging a withdrawal fee or imposing a fine upon the par value of the stock or declared dividends.

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COMMUNICATIONS.

The following communicatoín was received and read:

Helena, Montana, January 9, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that notices of the introduction of bills were given as follows:

By Cullen:

I hereby give notice that I will on to-morrow or some subsequent day introduce a bill for an act to amend Senate Bill No. 57 of the Session Acts of the Fifth Legislative Assembly of the State of Montana, of 1897, being an act entitled "an act to amend Chapter III, Title II, of Part III, of the Political Code, by repealing Sections 1224 to 1233 inclusive, by adding Sections 1201 to 1208 inclusive, and by amending Sections 1209 and 1234, relating to registration of voters."

By Warner:

I hereby give notice that I will, on to-morrow or some subsequent day, introduce a bill for an act entitled "an act appropriating funds to provide for the establishment and maintenance of a distinct and separate building and department for the feeble-minded children at the State Deaf and Dumb Asylum located at the town of Boulder, County of Jefferson, State of Montana."

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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READING OF HOUSE BILLS.

House Bills Nos. 7, 8 and 9 were read first and second times and referred to the Judiciary Committee.

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BALLOTING FOR UNITED STATES SENATOR.

Mr. Speaker at this point made the following announcement to the House:

"This being the last session of the Legislature before the expiration of the term of the Hon. Lee Mantle as Senator of the United States, and this being the second Tuesday after the meeting and organization of the Legislature, and the hour of 12 o'clock having arrived, the House will now proceed to ballot for a United States Senator."

The roll was called and one member of the House, Mr. Beasley, was found to be absent.

Hedges moved a call of the House. The motion for the call was seconded by Day and others, and the roll was called again.

Beasley answered, having been in the lobby when the roll call began, and further proceedings under the call were suspended.

Mr. Speaker then directed that the roll be called and the House proceeded to ballot for United States Senator.

The ballot resulted as follows:

For W. G. Conrad—Bonner, Boylan, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, C. F. Kelley, Patrick Kelley, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Sweeney, Toole, Warren, Watson, Wilson, Stiff—29.

For Joseph K. Toole—Bennett, Black, Day, Eversole, Fine, Gibson, Hutchinson, Kuphal, Martin, McLeod, Metlen, O'Brien, Paul, Phelps, Potting, Shovlin, Sullivan, Truscott, Woods—20.

For Thomas C. Marshall—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For W. A. Clark—Conrow, Luddy, McLaughlin—3.

For Charles S. Hartman—Johnson, Losekamp, More, Swindlehurst—4.

For H. L. Frank—Clifford, Lockhart—2.

For Hon. Lee Mantle—Parker—1.

For C. W. Hoffman—Walsh—1.

The Chair directed that the full proceedings relating to the ballot for United States Senator be entered at length upon the Journal.

#### REPORTS OF STANDING COMMITTEES.

The following report was received:

Helena, Montana, January 10th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bill No. 6, respectfully report the same back as properly printed.

NORMOYLE.

Chairman.

Woods moved, seconded by Lewis, that the rules be suspended and House Bill No. 6 be considered engrossed, read a third time and placed upon its final passage.

Carried.

House Bill No. 6 was then read a third time at length and passed by the following vote:

Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, C. F., Kelley, Patrick, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Sweeney, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker. Total—69 for. Absent—1.

Upon motion of Woods the House adjourned.

C. R. CRAIG,  
Chief Clerk.

## TENTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 11th, 1899.

House met at 10 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### NOTICES.

Notices of intention to introduce bills were given as follows:

By Lamb:

A bill for an act to amend Section 32 in Chapter IV, of Title I, of Part I, of the Code of Civil Procedure of the State of Montana, relating to the number of judges and jury panels in the Districts Courts of the Judicial Districts of this State.

By Gibson:

A bill to amend Section 2430 of the Code of Civil Procedure of the State of Montana.

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### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Hedges:

House Bill No. 10—A bill for an act to amend Sections 3821, 3822 and 3823 of Article II, Chapter VI, Title X, Part III, of the Political Code of Montana, relating to the ending of the fiscal year and the filing of reports of State and county officers.

By Kelley, C. F.:

House Bill No. 11—A bill for an act to amend Sections 891 and 895, in Chapter IV, of Title VII, of Part II, of the Code of Civil Procedure of the State of Montana, relating to attachments.

By Murray:

Mouse Bill No. 12—A bill for an act to amend Section 2434, in Article III, of Chapter III, Title XII, of Part III, of the Code of Civil Procedure of the State of Montana, relating to the appointment of administrators of the estates of deceased persons.

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#### READING OF HOUSE BILLS.

House Bills Nos. 10, 11 and 12 were read a first and second time and referred to the Judiciary Committee.

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#### MESSAGE FROM THE SENATE.

The following message from the Senate was received:

Helena, Montana, January 10th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Cullen:

Senate Bill No. 6—A bill for an act to amend Section No. 1206 of Senate Bill No. 57, of the Session Acts of the Fifth Legislative Assembly of the State of Montana, of 1897, being an act entitled "An act to amend Chapter III, Title II, of Part III, of the Political Code, by repealing Sections 1224 to 1233 inclusive, by adding Sections 1201 to 1208 inclusive, and 1210 to 1216 inclusive, and by amending Sections 1209 and 1234, relating to registration of voters."

By Warner:

Senate Bill No. 7—An act appropriating funds to provide for the establishment and maintenance of a distinct and separate building and department for feeble-minded children at the State Deaf and Dumb Asylum, located at the town of Boulder, County of Jefferson, State of Montana.

Very respectfully,

D. P. O'CONNOR,

Secretary.

Kelley, C. F., asked unanimous consent to introduce a resolution at this time. Permission being granted, Mr. Kelley of Silver Bow introduced the following resolution:

Whereas, It has been discovered through the Joint Investigating Committee of the Legislative Assembly that a great crime has been committed against the peace and dignity of this State by the giving of bribes by certain persons, and the receiving of them by certain members of this Assembly, and,



Whereas, Such crimes are subversive of all good government and destructive of good citizenship, therefore,

Be it Resolved, That it is the sense of this House that every effort be made to bring the perpetrators of these crimes to justices, and,

Be it further Resolved, That the Attorney General, being the highest legal officer of this State, be, and he is hereby, requested and directed to assist the County Attorney of Lewis and Clarke County in the investigation of the bribery charge and the prosecution of such persons as may, upon investigation, be implicated.

The resolution was unanimously adopted upon motion of Burke, seconded by Stone.

Upon motion of Day, the House took a recess until 11:45 a. m.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The sergeant at arms announced the honorable, the Senate of Montana.

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#### JOINT SESSION.

The Senate and House of Representatives convened in Joint Assembly and were called to order by the President of the Senate.

The rolls of the House and Senate were called. There was but one absent member of the House, Shovlin, excused. All the members of the Senate were present.

Mr. President, finding a quorum of both bodies present, announced that, pursuant to the requirements of Sections 14, 15, 16, 17, 18 and 19, Title II, of Chapter I, Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of one United States Senator to succeed Hon. Lee Mantle in the Congress of the United States. It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes.

Upon motion of Representative Woods, seconded by Senator Hoffman, the session of the Joint Assembly was held in the hall of the House.

The Joint Assembly thereupon proceeded to ballot for the election of a United States Senator.

The President ordered the Secretary to call the roll of the Senate, whereupon the following vote was recorded:

For W. G. Conrad—Anderson, Campbell, Courtney, Eggleston, Myers, Stanton, Warner, Whiteside—8.

For J. K. Toole—Clark, Cullen, Mahon, Norris—4.

For W. A. Clark—Connolly, Gruwell, Hoffman, Riddell, Tierney—5.

For T. C. Marshall—Hobson, McKay, Mitchell, Philips, Worden—5.

For J. M. Fox—Bowlen, Hannah—2.

The Chief Clerk called the roll of the House, and the following vote was recorded:

For W. G. Conrad—Bonner, Boylan, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, C. F. Kelley, Patrick Kelley, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, O'Brien, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Stiff—30.

For Jos. K. Toole—Bennett, Black, Day, Eversole, Fine, Hill, Hutchinson, Kuphal, Martin, Metlen, Paul, Phelps, Potting, Sweeney, Sullivan, Truscott—16.

For Thos. C. Marshall—Beasley, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For W. A. Clark—Conrow, Lockhart, Luddy, McLaughlin, Woods—5.

For Chas. S. Hartman—Johnson, Losekamp, More, Swindlehurst—4.

For H. L. Frank—Clifford—1.

For Lee Mantle—Parker—1.

For Chas. H. Hoffman—McLeod, Walsh—2.

Absent—Shovlin—1.

The Secretary of the Senate then announced the following as the result of the ballot of the Joint Assembly:

For J. M. Fox .....	2
For W. G. Conrad .....	38
For J. K. Toole .....	20
For T. C. Marshall .....	15
For C. S. Hartman .....	4
For W. A. Clark .....	10
For H. L. Frank .....	1
For Lee Mantle .....	1
For C. H. Hoffman .....	2
—	
Total vote cast .....	93
Absent .....	1

Mr. President declared there had been no election.

Senator Anderson, chairman of the Joint Investigating Committee, asked permission to present a communication. Leave being unanimously granted, the following document was presented and filed:

## STATE OF MONTANA,

Treasurer's Office, Helena, January 10, 1899.

Received from James T. Anderson, chairman of the Joint Committee of the Senate and House of the Sixth Legislative Assembly of the State of Montana, appointed for the purpose of investigating charges of bribery and corruption, four envelopes, opened and marked respectively Exhibit "A," "B," "C" and "D," and containing United States currency as follows, viz:

In envelope marked Exhibit "A".....	\$10,000.00
In envelope marked Exhibit "B".....	\$10,000.00
In envelope marked Exhibit "C".....	\$ 5,000.00
In envelope marked Exhibit "D".....	\$ 5,000.00

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Total thirty thousand dollars .....	\$30,000.00
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T. E. COLLINS,  
State Treasurer.

Upon motion of Senator Stanton the Joint Assembly then dissolved and the Senate withdrew from the hall of the House.

The House resumed.

Upon motion of Normoyle, seconded by Hutchinson, the house adjourned.

C. R. CRAIG,  
Chief Clerk.

## ELEVENTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 12th, 1899.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of the previous day read and approved.

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### NOTICES.

Notices of introduction of bills were given as follows:

By Hedges:

A bill for an act relating to the reduction of the legal rate of interest from ten to eight per cent. in the State of Montana;

Also, a bill for an act to add Sections 3260 and 3261 to Chapter XIII, Part III, Title VII, of the Political Code of the State of Montana, relating to the driving of stock through fenced enclosures, and the closing of gates.

By Wilson:

A bill for an act establishing a standard of measurement of water, defining the equivalent of a miner's inch, and repealing Section 1262, Division 5, of the Compiled Statutes of the State of Montana, and all conflicting laws;

Also, creating the office of State Engineer, defining his duties and regulating his compensation.

By Walsh:

A bill for an act appropriating money for the relief of William J. Fransham, for money expended by him for the relief of John A. Allen, in the year 1897.

By Sweeney:

A bill for an act to amend Section 681 of the Civil Code, relating to insurance corporations;

Also, a bill for an act to provide for the organization, government and control of a fire department for cities and towns, regulating the appointments thereto, and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Woods:

House Bill No. 13—A bill for an act appropriating money for the payment of claims of certain persons for services rendered to the State of Montana, during the year 1897.

By Gibson:

House Bill No. 14—A bill for an act to amend Section 2430 of the Code of Civil Procedure of the State of Montana.

By Lamb:

House Bill No. 15—A bill for an act to amend Section 32, in Chapter IV, of Title I, of Part 1, of the Code of Civil Procedure of the State of Montana, relating to the number of judges and jury panels in the District Courts of the Judicial Districts of this State.

By Stone:

House Bill No. 16—A bill for an act to empower the Board of School Trustees of any district to establish and maintain free kindergartens, for the instruction of children between three and six years of age.

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READING OF HOUSE BILLS.

House Bill No. 13 was read a first and second time and referred to the Committee on Appropriations.

House Bills Nos. 14 and 15 were read a first and second time and referred to the Judiciary Committee.

House Bill No. 16 was read a first and second time and referred to the Committee on Education.

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COMMUNICATION FROM THE SENATE.

Helena, Montana, January 11th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced:

By Norris:

Senate Bill No. 8—A bill for an act to amend Section 3869 of Chapter II, Title XIV, Part IV, Division III, of the Political Code of Montana, relating to chattel mortgages, and the taking of mortgaged personal property on attachment or execution.

Notices of bills to be introduced were given as follows:

By Clarke:

A bill to amend Sections 4157 and 4158 of the Political Code of the State of Montana.

By Whiteside:

A bill to provide for a hospital and other improvements at the Montana State Soldiers' Home and to appropriate money therefor.

By Whiteside:

A bill for an act entitled an act to admit veterans of the Mexican war and the late war with Spain into the Montana State Soldiers' Home.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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#### MOTIONS AND RESOLUTIONS.

House Joint Resolution No. 1, concerning the Spanish treaty, was introduced by Hedges. On motion of Day the same was adopted and referred to the Committee on Federal Relations.

The following by Lindsay, duly seconded, was read and adopted:  
Mr. Speaker:

I move that the sergeant at arms be instructed to procure and place upon the desks of the members copies of the annual reports of all State Boards, State Officers and State Institutions for the years 1897 and 1898.

On motion of Day the House took a recess until 11:45 a. m.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

An invitation from the Montana Society of Civil Engineers was read and on motion of Toole was accepted, with thanks.

The sergeant at arms here announced the presence of the honorable Senate of the State of Montana.

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#### JOINT SESSION.

The Senate and House of Representatives convened in Joint Assembly and were called to order by the President of the Senate.

The rolls of the House and Senate were called. Shovlin of the House was absent, being excused on account of sickness.

All the members of the Senate were found to be present.

Mr. President, finding a quorum of both bodies present, announced that pursuant to Sections 14 to 19 inclusive, Title II, Chapter I, Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Lee Mantle in the Congress of the United States. It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes.

The President ordered the Secretary to call the roll of the Senate, with the following result.

For W. G. Conrad—Anderson, Campbell, Courtney, Eggleston, Myers, Stanton, Whiteside—7.

For W. A. Clark—Connolly, Gruwell, Hoffman, Riddell, Tierney, Warner—6.

For J. K. Toole—Clark, Cullen, Mahan, Norris—4.

For W. F. Sanders—Hobson, McKay, Mitchell, Phillips, Worden—5.

For J. M. Fox—Bowlen, Hannah—2.

The President ordered the Chief Clerk to call the roll of the House, with the following result.

For W. G. Conrad—Bonner, Boylan, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—28.

For W. A. Clark—Bennett, Black, Conrow, Day, Fine, Hill, Hutchinson, Kuphal, Lockhart, Luddy, Martin, McLaughlin, McLeod, Truscott, Woods—15.

For J. K. Toole—Eversole, Metlen, Paul, Phelps, Potting, Sullivan, Sweeney—7.

For W. F. Sanders—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For C. S. Hartman—Losekamp, Moore, Swindlehurst—3.

For O. B. Barber—Gibson, O'Brien—2.

For M. Maginnis—Clifford—1.

For J. M. Fox—Johnson—1.

For Lee Mantle—Parker—1.

For C. H. Hoffman—Walsh—1.

Absent—Shovlin—1.

The Secretary of the Senate thereupon announced the following result:

For W. G. Conrad .....	35
For W. A. Clark .....	21
For W. F. Sanders .....	15

For Jos. K. Toole .....	11
For J. M. Fox .....	3
For C. S. Hartman .....	3
For O. B. Barbour .....	2
For Lee Mantle .....	1
For C. W. Hoffman .....	1
For Martin Maginnis .....	1

The President thereupon announced no election and on motion of Senator Cullen the Joint Assembly dissolved.

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House resumed.

Mr. Speaker in the Chair.

Having obtained unanimous consent, Stephens introduced the following resolution:

Mr. Speaker:

I hereby give notice to this House that the Investigating Committee appointed by this House are desirous of examining into all matters of bribery and fraud connected with the election of a United States Senator are desirous of receiving the testimony of any and all persons who have any knowledge or are cognizant of the use of money or other valuable thing to further the election of any candidate for that position, and that said committee will, on the 12th day of January, 1899, meet at room 20 of the committee rooms of this House at 2:30 p. m., to bear testimony on the matter herein stated, and will hereafter sit from time to time until such examination is concluded.

STEPHENS,

Chairman of the House Joint Committee.

Upon motion of Black, duly seconded, the House adjourned.

C. R. CRAIG,

Chief Clerk.



## TWELFTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 13th, 1899.

The House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day read and approved.

Black asked to have Garr excused from to-day's session on account of illness. Request granted.

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### COMMUNICATIONS.

The following communication was received and read:

Headquarters National Live Stock Association,  
Denver, Colo., January 6, 1899.

To the Honorable Speaker, House of Representatives, Helena, Montana.

Dear Sir—I take pleasure in advising you that the Second Annual Convention of the National Live Stock Association of the United States will be held in Denver, January 24th to 27th, inclusive, and I am instructed by the executive committee of this organization to extend an urgent invitation to the Senate and House of Representatives of the State of Montana to be present on this occasion. We respectfully urge your immediate attention and reply to this invitation, especially from the fact that a great many men who are engaged in some branch of the live stock industry are either members of your Assembly, or interested in some proposed legislation which will make it impossible for them to be here unless your Legislature adjourns for that week.

The objects of this organization are well known, and its growth during one year has been phenomenal. Its primary aim is to centralize all of the live stock interests in the United States into a national organization.

We shall attempt at the coming convention to agree upon a uniform brand law for the entire western country, for a uniform bounty law, for appropriate legislation with reference to the relations of the United States and Old Mexico, and many other questions peculiarly interesting to men engaged in growing or handling live stock.

Denver has extended a very cordial invitation to the representatives of all the great live stock organizations of the country to be present. We believe the railroads will grant us a low rate, with a 20-day limit. The hotels have also given reduced rates, and there will be "free and unlimited" entertainment for all guests attending.

As several of the Assemblies of Western States are seriously considering the proposition to attend, we sincerely trust your honorable body will find it advisable, as well as convenient, to accept our invitation.

Very respectfully yours,

JOHN W. SPRINGER,  
President.

C. F. MARTIN,  
Recording Secretary.

Referred to the Committee on Agriculture and Stockgrowing.

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#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were read and adopted:

Helena, January 11th, 1899.

Mr. Speaker:

We, your following committees, yesterday selected Miss May McCormick of Missoula and Miss Bertha Kelly of Broadwater County, as clerks.

Education—Stone, Kelley, Walsh, Metlen, Toole, More, Woods.

Fish and Game—Gillette, Stapleton, Losekamp, Woods, Fitzpatrick, Hedges, Bywater.

Federal Relations—Stapleton, Day, Potting, Eversole, Hedges, Murray, McLeod.

State Lands—Stephens, Metlen, Ingersoll, Wilson, O'Brien, McLaughlin, Bennett.

Mileage and Per Diem—Lindsay, Madden, Cooney, Truscott, Bywater.

Libraries—Day, More, Gibson, Fine.

Rules and Joint Rules—Lamb, Stephens, Crutchfield, Toole, Lindsay.

Military Affairs—Garr, Martin, Luddy, Bennett, Fine, Beasley, Sands.

Stone for Education.

Stephens for State Lands.

Gillette for Fish and Game.

Lindsay for Mileage and Per Diem.

Stapleton for Federal Relations.

Day for Libraries.

Lamb for Rules and Joint Rules.

Garr for Military Affairs.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bill No. 6 as correctly enrolled.

JOHN M. MADDEN,  
Chairman.

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COMMUNICATIONS FROM THE SENATE.

Helena, Montana, January 12th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 6 has been concurred in and is herewith transmitted.

Yours respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 12th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Clark:

Senate Bill No. 9—A bill for an act to amend Sections 4157 and 4158 of the Political Code of Montana.

By Courtney:

Senate Bill No. 10—A bill for an act to create for each city of the State having the requisite number of inhabitants, a Board of Medical Service Commissioners, to have the management and control of the police and fire departments in such cities, and to provide for the appointment of such commissioners; to define and regulate their duties and powers over such departments, and the direction and removal of the officers and members thereof, and to repeal all laws in conflict herewith.

Notices of bills to be introduced were given as follows:

By Clark:

A bill for an act to amend Section 533 of the Code of Civil Procedure of the State of Montana.

By Norris:

A bill for an act entitled an act providing that graduates of the State Normal School may teach in the public schools of the State without further examination.

Yours respectfully,

D. P. O'CONNOR,  
Secretary.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Sweeney:

House Bill No. 17—A bill for an act to provide for the organization, government and control of a fire department for cities and towns, regulating appointments thereto, and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon;

Also, House Bill No. 18—A bill for an act to amend Section 681 of the Civil Code, relating to insurance companies.

By Hedges:

House Bill No. 19—A bill for an act to add Sections 3260 and 3261, of Chapter XIII, Part III, Title VII, of the Political Code of the State of Montana, relating to the driving of horses, cattle, sheep or any other domestic animals inside of fenced enclosures, without the consent of the owners of such enclosures.

Also, House Bill No. 20—A bill for an act to repeal Section 2585, in Chapter III, Title IV, Part IV, Division III, of the Civil Code of the State of Montana.

By Martin:

House Bill No. 21—An act concerning fees of jurors in civil cases.

Upon motion of Sweeney, Chaplain Warren was excused from attendance at to-morrow's session of the House, a substitute having been provided.

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READING OF BILLS.

House Bill No. 17 was read a first and second time and referred to the Committee on Affairs of Cities.

House Bill No. 18 was read a first and second time and referred to the Committee on Insurance.

House Bills Nos. 19, 20 and 21 were read a first and second time and referred to the Judiciary Committee.

Mr. Speaker announced to the House that he was about to sign House Bill No. 6.

Upon motion of Woods, seconded by Hedges, the House took a recess until 11:45 a. m.

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House resumed.

Roll called.

Quorum present.

Mr. Speaker in the Chair.

Lindsay demanded a call of the House.

The call was duly seconded and ordered.

The roll call found all the members present except Shovlin, Garr and Jacqueth.

Mr. Speaker directed the sergeant at arms to bring the absent members to the hall of the House forthwith.

Shovlin and Garr by unanimous consent of the House were excused on account of illness.

Lindsay objected to the absence of Jacqueth.

Mr. Speaker announced that he had received a communication from Mr. Jacqueth stating that he desired to be excused from attendance at to-day's session owing to illness.

The sergeant at arms reported that Jacqueth could not be found.

The honorable the Senate of the State of Montana entered the hall of the House.

Walsh moved, seconded by Woods, that further proceedings under the call be suspended.

Lindsay demanded the roll called.

The roll was called and the following vote was announced:

Ayes—Bennett, Black, Bonner, Boylan, Clifford, Conrow, Cooney, Crutchfield, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Hutchinson, Kelley of Cascade, Kelley of Silver Bow, Kuphal, Lamp, Lewis, Maden, Marcyes, Martin, Matts, McLeod, Metlen, Moran, Murray, Normoyle, O'Brien, Paul, Potting, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—Total 44.  
Absent 3.

Nays—Beasley, Burke, Bywater, Day, Fine, Gibson, Hedges, Hill, Ingersoll, Johnson, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, McLaughlin, More, Parker, Phelps, Sands, Toole, Truscott. Total 23.

Absent—3.

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#### JOINT SESSION.

The hour of noon having arrived, the House of Representatives and Senate of the State of Montana met in Joint Session, the President of the Senate in the Chair.

The rolls of the House and Senate were called.

Mr. President found a quorum of both bodies present, and announced that pursuant to Sections 14 to 19 inclusive, of Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now pro-

ceed to ballot for the election of a United States Senator to succeed the Hon. Lee Mantle in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed, in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate when the following vote was announced:

For W. G. Conrad—Anderson, Campbell, Courtney, Eggleston, Myers, Stanton, Whiteside—7.

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Riddell, Tierney, Warner—7.

For Jos. K. Toole—Clark, Mahan, Norris—3.

For W. F. Sanders—Hobson, McKay, Mitchell, Phillips, Worden—5.

For J. M. Fox—Bowlen, Hannah—2.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was recorded:

For W. G. Conrad—Bonner, Boylan, Burke, Cooney, Crutchfield, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—28.

For W. A. Clark—Bennett, Black, Conrow, Day, Fine, Hill, Hutchinson, Kuphal, Lockhart, Luddy, Martin, McLaughlin, McLeod, Truscott, Woods—15.

For Jos. K. Toole—Gibson, Metlen, O'Brien, Paul, Phelps, Potting, Sullivan, Sweeney—8.

For W. F. Sanders—Beasley, Bywater, Hedges, Ingersoll, Lindsay, Long, Magee, Marcyes, Sands—9.

For Frank Henry—More, Swindlehurst—2.

For J. M. Fox—Johnson—1.

For Martin Maginnis—Clifford—1.

For C. W. Hoffman—Walsh—1.

For Lee Mantle—Parker—1.

For Chas. S. Hartman—Losekamp—1.

Absent—Garr, Jacqueth, Shovlin—3.

The Secretary of the Senate thereupon announced the following as the result of the joint ballot:

For W. G. Conrad .....	35
For W. A. Clark .....	22
For J. K. Toole .....	11
For W. F. Sanders .....	14
For J. M. Fox .....	3
For Frank Henry .....	2

For C. S. Hartman .....	1
For Martin Maginnis .....	1
For C. W. Hoffman .....	1
For Lee Mantle .....	1
Absent .....	3
<hr/>	
Total .....	94

The President announced that there had been no election.

Senator Stanton moved, seconded by Senator Hannah, that the Joint Assembly do now dissolve and that the Senate retire from the hall of the House.

Carried.

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The House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Moved by Stephens, seconded by Burke, that when the House do adjourn it be until 10:30 a. m. to-morrow.

Carried.

Upon motion of Day, seconded by Hedges, the House adjourned.

C. R. CRAIG,  
Chief Clerk.

## THIRTEENTH DAY.

### HOUSE OF REPRESENTATIVES.

Helena, January 13th, 1899.

House met at 10:30 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The Journal of the previous day's session was read and approved.

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### NOTICES.

Notices of intention to introduce bills were given as follows:

By Phelps:

A bill for an act entitled an act to amend Sections 3070 to 3080 inclusive, of Article VIII, Chapter V, Title VII, Part III, of the Political Code, relating to the payment of bounty on wild animals.

By Watson:

A bill for an act entitled an act to encourage the erection of a pulp and paper mill in the State of Montana, and to exempt the same from taxation.

By Losekamp:

A bill for an act entitled an act to amend Section 2045 of Chapter II, of Title VII, of Part II, of the Penal Code of the State of Montana, relating to the number of peremptory challenges to which the State is entitled in the trial of criminal causes.

Also, a bill for an act entitled an act to amend Section 1222, of Chapter I, Title IX, Part II, of the Code of Civil Procedure of the State of Montana, relating to exemptions of property from execution.

By Normoyle:

A bill for an act to amend Section 4636 and to repeal Section 4613, in Chapter IV, of Title II, of Part IV, of the Political Code of the State of Montana, relating to the salaries and fees of officers, and particularly to the fees of Clerk of the District Court.

By Stone:

A bill for an act entitled an act to authorize the State Board of Education to appoint an institute instructor, to designate his qualifications and to define his duties and providing for his compensation.



By Hedges:

A bill for an act entitled an act to amend Section 3259, Chapter XIII, Part III, Title VII, of the Political Code of the State of Montana, relating to animals breaking into enclosures surrounded by a legal fence.

By Crutchfield:

A bill for an act entitled "An act authorizing and regulating the incorporation of sole corporations and defining their powers."

By Normoyle:

A bill for an act to amend Section 4646, in Chapter IV, of Title II, of Part IV, of the Political Code of the State of Montana, relating to juror's fees.

By Gibson:

A bill for an act appropriating to J. M. Page the sum of six hundred and eighty-five dollars and eighty-four cents, for services rendered the State of Montana as State Land Agent, from August 7th, 1897, to October 25th, 1897, inclusive.

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#### COMMUNICATIONS.

The following communications were received and read:

Helena, Montana, January 14th, 1899.

To the Honorable the Speaker and Members of the Sixth Legislative Assembly:

The Trustees of the Historical Society respectfully request you to call at Taylor's, the photographer, and have your pictures taken for the historical rooms, as has been the custom for years.

Respectfully,

WM. B. HUNDLEY,  
President.

THOS. C. BACH,  
Secretary.

Board of Trustees of the Historical Library.

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Helena, Montana, January 13th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Clark:

Senate Bill No. 11—A bill for an act to amend Section 633 of the Code of Civil Procedure of the State of Montana.

By Whiteside:

Senate Bill No. 12—A bill for an act to create the Montana State Board

of Horticulture, to prescribe its powers and duties and to appropriate money therefor.

By Norris:

Senate Bill No. 13—A bill for an act providing that all graduates of the State Normal School of the State of Montana shall be entitled to teach in the Public Schools of the State of Montana without other or further examination.

By the Committee on Judiciary:

Senate Bill No. 14—A bill for an act to amend Section 264, of Article VIII, Chapter II, of the Political Code of Montana, relating to the examination of witnesses before any committee of the Legislative Assembly.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 14th, 1899.

Mr. Speaker:

Your Committee on Enrollment wishes to report that House Bill No. 6 was presented to the Governor for his signature January 13th, 1899, at 2:20 p. m.

JOHN M. MADDEN,  
Chairman.

Wood, chairman of the Committee on Agriculture and Stockgrowing, reported that the committee had found it necessary to employ a clerk and had selected Miss Amelia Breidenbach of Helena.

Moved by Day, seconded by Hedges, that the Committee on Agriculture and Stockgrowing be allowed a clerk, to be under the direction of the Chief Clerk when not employed in the committee.

Carried.

Upon motion of Cooney the House took a recess until 11:45 a. m.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The honorable the Senate of the State of Montana entered the hall of the House.

## JOINT SESSION.

The hour of 12 o'clock noon having arrived, the Senate and House of Representatives met in joint session, the President of the Senate in the Chair.

The rolls of the House and Senate were called.

Mr. President found a quorum of both bodies present and announced that, pursuant to Sections 14 to 19 inclusive, of Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator, to succeed the Hon. Lee Mantle in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce his viva voce choice for Senator, and this proceeding was followed, in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, with the following result:

For W. G. Conrad—Anderson, Campbell, Clark, Courtney, Eggleston, Myers, Norris, Stanton, Whiteside—9.

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Mahan, Riddell, Tierney, Warner—8.

For T. C. Power—Hobson, McKay, Mitchell, Phillips, Worden—5 .

For J. M. Fox—Bowlen, Hannah—2.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was recorded:

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Metlen, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—28.

For W. A. Clark—Bennett, Black, Conrow, Day, Fine, Hill, Hutchinson, Kuphal, Lockhart, Luddy, Martin, McLaughlin, McLeod, Truscott, Woods—15.

For Jos. K. Toole—Eversole, Gibson, O'Brien, Paul, Phelps, Potting, Sullivan, Sweeney—8.

For T. C. Power—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Frank Henry—More, Swindlehurst—2.

For J. M. Fox—Johnson—1.

For L. A. Luce—Walsh—1.

For C. S. Hartman—Losekamp—1.

For Lee Mantle—Parker—1.

For Martin Maginnis—Clifford—1.

Absent—Garr, Shovlin—2.

The Secretary of the Senate announced the following as the vote of the Joint Assembly:

For W. G. Conrad .....	37
For W. A. Clark .....	23
For J. K. Toole .....	8
For T. C. Power .....	15
For Dr. J. M. Fox .....	3
For Frank Henry .....	2
For L. A. Luce .....	1
For Martin Maginnis .....	1
For Lee Mantle .....	1
For C. S. Hartman .....	1
Absent .....	2
<hr/>	
Total .....	94

The President announced that there had been no election.

Senator Riddell moved, seconded by Connolly, that the Joint Assembly do now dissolve and that the Senate retire from the hall of the House.  
Carried.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Toole asked unanimous consent to make a report at this time. Consent being granted, the following report was presented:

Helena, Montana, January 14th, 1899.

Mr. Speaker:

Your Committees on State Institutions, Public Buildings and Grounds, Insurance and Highways, request that they be allowed one clerk for these three committees.

TOOLE,

Chairman Committees State Institutions, Public Buildings and Grounds.

Toole moved, seconded by Hutchinson, that the report of the committee be adopted and that the committees named be allowed to appoint a clerk.

Carried.

Toole announced that the committees had selected as such clerk Miss Cora P. Holmes, of Helena.

Moved by Hutchinson, seconded by Cooney, that when the House do adjourn it be until Monday next at 11 a. m.

Carried.

Upon motion of Day the House adjourned.

C. R. CRAIG,  
Chief Clerk.

## FIFTEENTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 16th, 1899.

House met pursuant to adjournment at 11 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### NOTICES OF INTRODUCTION OF BILLS.

By Lindsay:

To amend an act entitled an act to amend Section 376 of the Political Code of the State of Montana, relating to the special tax leyied for bounty for killing wild animals.

By Ingersoll:

To define, prohibit, punish and restrain extortion and other abuses in the management of ditches, canals and reservoirs, and to repeal all laws and parts of laws in conflict with any of the provisions of this act.

By Ingersoll:

To regulate the mode of fixing the rates of compensation by Boards of County Commissioners for water furnished and delivered for irrigation from ditches, canals, conduits and reservoirs, and to repeal laws inconsistent therewith, and punish offenses contrary thereto.

Executive Office, Helena, Montana, January 14th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to transmit herewith Deficiency Bills for the years 1895 and 1896, amounting to \$1,734.99, and Deficiency Bills for the years 1897 and 1898, amounting to \$65,391.81, making a total in all for the four years of \$67,126.80. Most, if not all, the items in the deficiencies for 1895 and 1896 were covered by appropriation bills passed at the last session of the Legislature, which were construed to be unconstitutional and in consequence warrants could not be drawn to pay the claims. A list is herewith inclosed showing in a general way the nature of the claims and giving the reason for their non-payment.

These bills, with the exception of Claim 22 in the 1897 and 1898 claims, which was approved by a majority of the board and disapproved by myself, have all been approved by the Board of Examiners, and I earnestly recommend that your honorable body take them under consideration and make appropriations for their payment early in the session, that the closing days of the Assembly may be given up to matters requiring greater consideration.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Executive Office, Helena, Montana, January 14th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives.

I have the honor to inform you that I have approved and signed House Bill No. 6, entitled "An act to appropriate moneys for the payment of the mileage and per diem for the members of the Sixth Legislative Assembly of the State of Montana, also for the payment of per diem of the officers and attaches thereof."

Very respectfully,

ROB'T B. SMITH,  
Governor.

#### STATEMENT.

Deficiency bills referred to the Sixth Legislative Assembly.

1895 and 1896.

No.	Account.	Amount.	Why Not Paid.
1.	Rewards, 1896 .....	\$ 100.00	Income of State insufficient.
2.	Requisitions, 1896 .....	435.00	Income of State insufficient.
3.	Orphans' Home, 1896 .....	21.70	Income of State insufficient.
4.	Deaf and Dumb Asylum, 1896..	49.30	Income of State insufficient.
5.	Expenses State officers, 1896...	33.20	Income of State insufficient.
6.	Reform School, 1896 .....	350.00	Income of State insufficient.
7.	Soldiers' Home .....	93.95	Not presented until appropriation had lapsed.
8.	Refund of taxes, 1895-6.....	32.79	No appropriation.
9.	Transporting prisoners, 1895-6..	558.15	No appropriation.
10.	National Guard, 1896 .....	6.20	No appropriation.
11.	Public printing, 1896 .....	31.70	Not presented until appropriation had lapsed.
12.	Reform School, 1896 .....	53.00	Not presented until appropriation had lapsed.
Total .....		\$1,734.99	

## STATEMENT.

Deficiency bills referred to the Sixth Legislative Assembly.

1897 and 1898.

No.	Account.	Amount.	Why Not Paid.
1.	State Prison, 1898 .....	\$18,126.93	Appropriation exhausted.
2.	State Prison, 1898 .....	555.65	Appropriation exhausted.
3.	Insane Asylum, 1898 .....	8,478.95	Appropriation exhausted.
4.	Court costs, 1897 .....	41.00	No appropriation.
5.	Refunded taxes, 1897 .....	62.11	No appropriation.
6.	Requisitions, 1898 .....	647.10	Appropriation exhausted.
7.	Orphans' Home, 1898 .....	1,350.57	Appropriation exhausted.
8.	Reform School, 1897 .....	3,853.14	Appropriation exhausted.
9.	Reform School, 1898 .....	2,034.01	Appropriation exhausted.
10.	Reform School Sewer .....	1,423.95	Appropriation exhausted.
11.	Normal School, 1898 .....	1,337.59	Appropriation exhausted.
12.	Experimental Station, 1898 .....	230.85	Not presented until appropriation had lapsed.
13.	Orphans' Home building, 1898 .....	470.22	Not presented until appropriation had lapsed.
14.	Board of Charities and Reforms, 1897-98 .....	82.30	No appropriation.
15.	Public Printing, 1898 .....	4,360.60	Appropriation exhausted.
16.	Transporting prisoners, 1897-98 .....	15,694.45	No appropriation.
17.	Supplies State officers .....	27.65	Not presented until appropriation had lapsed.
18.	Boiler Inspector, 1898 .....	292.20	Appropriation exhausted.
19.	State Veterinarian, 1898 .....	181.25	Appropriation exhausted.
20.	Salaries appointive State officers and clerks, 1898 .....	3,977.12	Appropriation exhausted.
21.	Salaries of County Attorneys .....	1,633.28	Appropriation exhausted.
22.	Salary State Land Agent .....	530.59	No appropriation.
Total .....		\$65,391.81	
1895 .....		1,734.99	
		<u>\$67,126.80</u>	

The hour of noon having arrived, the honorable the Senate entered the hall of the House, and the House and Senate thereupon met in Joint Session.

The rolls of the House and Senate were called and Mr. President found a quorum of both bodies present and announced that, pursuant to Sections 14 to 19 inclusive, of Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Lee Mantle in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed, in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced:



For W. G. Conrad—Anderson, Campbell, Clark, Courtney, Eggleston, Myers, Norris, Stanton, Whiteside—9.

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Mahon, Riddell, Tierney, Warner—8.

For O. F. Goddard—Hobson, McKay, Mitchell, Phillips, Worden—5.

For J. M. Fox—Bowlen, Hannah—2.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was recorded:

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—27.

For W. A. Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Hill, Hutchinson, Kuphal, Lockhart, Luddy, Martin, McLaughlin, McLeod, Shovlin, Truscott, Woods—17.

For Jos. K. Toole—Gibson, Metlen, Paul, Phelps, Potting, Sullivan, Sweeney—7.

For O. F. Goddard—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Charles S. Hartman—Losekamp, More—2.

For Martin Maginnis—Clifford, O'Brien—2.

For Frank Henry—Swindlehurst—1.

For J. M. Fox—Johnson—1.

For L. A. Luce—Walsh—1.

For Lee Mantle—Parker—1.

Absent—Garr—1.

The Secretary of the Senate thereupon announced the following vote of the Joint Assembly:

For W. G. Conrad .....	36
For W. A. Clark .....	25
For J. K. Toole .....	7
For O. F. Goddard .....	15
For J. M. Fox .....	3
For Martin Maginnis .....	2
For C. S. Hartman .....	2
For Frank Henry .....	1
For L. A. Luce .....	1
For Lee Mantle .....	1
Absent .....	1
Total .....	94

The President announced no election and upon motion of Senator Worden, seconded by Senator Connolly, the Joint Session dissolved and the Senate retired from the hall of the House.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Moved by Woods, and duly seconded, that the House do now adjourn.

Moved by Day, in amendment, that the House adjourn until 11 a. m. to-morrow.

Amendment seconded and carried.

C. R. CRAIG,  
Chief Clerk.

## SIXTEENTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 17th, 1899.

House met at 11 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### NOTICES OF INTRODUCTION OF BILLS.

Notices of intention to introduce bills were given as follows:

By Cooney:

A bill for an act providing for the submission to the qualified electors of the State of Montana, an amendment to Sections 1 and 20, Article V, of the Constitution of Montana, relating to the Legislative Department.

By Clifford:

A bill for an act entitled an act to repeal an act entitled "An act to prevent the sale of liquors on credit." Approved March 1st, 1897.

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### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Walsh:

House Bill No. 22—An act appropriating money for the relief of William Fransham, for money expended by him for the relief of John A. Allen, in the year 1897.

By Losekamp:

House Bill No. 23—A bill for an act to amend Section 1222, of Chapter I, Title IX, of Part II, of the Code of Civil Procedure of the State of Montana, relating to the exemption of property from execution.

By Losekamp:

House Bill No. 24—A bill for an act to amend Section 2045, of Chapter II, of Title VII, of Part II, of the Penal Code of the State of Montana, relat-

ing to the number of peremptory challenges to which the State is entitled in the trial of criminal causes.

By Gibson:

House Bill No. 25—A bill for an act appropriating to J. M. Page the sum of six hundred eighty-five 84-100 (\$685.84) for services rendered the State of Montana as State Land Agent, from August 7th, 1897, to October 25th, 1897, inclusive.

By Stone:

House Bill No. 26—A bill for an act to authorize the State Board of Education to appoint an Institute Instructor, to designate his qualifications, and to define his duties and provide for his compensation.

By Hedges:

House Bill No. 27—A bill for an act to amend Section 3259, of Chapter XIII, of Part III, of Title VII, of the Political Code, relating to animals breaking into enclosures surrounded by a legal fence.

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#### READING OF HOUSE BILLS.

House Bill No. 22 was read a first and second time and referred to the Committee on Appropriations.

House Bills Nos. 23 and 24 were read a first and second time and referred to the Committee on Judiciary.

House Bill No. 25 was read a first and second time and referred to the Committee on Appropriations.

House Bill No. 26 was read a first and second time and referred to the Committee on Education.

House Bill No. 27 was read a first and second time and referred to the Committee on Agriculture and Stockgrowing.

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#### COMMUNICATIONS.

The following communications were received:

Helena, Montana, January 14th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced:

By Whiteside:

Senate Bill No. 15—A bill for an act to amend Section 2517 of Part III, Title V, Chapter IV, Article IV, of the Political Code of Montana.

Notices of bills to be introduced were given as follows:

By Myers:

A bill for an act making it unlawful to carry on certain specified lines of business on Sunday.

By Eggleston:

A bill for an act entitled an act to extend and define the boundaries of Lewis and Clarke County and to alter the boundaries of Deer Lodge County to conform thereto.

By Norris:

A bill for an act entitled an act to regulate railroad corporations, companies or associations in their transportation of passengers and baggage and to fix a maximum rate of charges, and to provide a penalty for the violation thereof.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

By Beasley:

A bill giving to herders and others having charge and attending horses, cattle, sheep and other animals a prior lien on such animals for wages due for services rendered during the next preceding year.

By Hedges:

A bill for an act entitled an act to provide for the registration of land titles in the State of Montana, and to simplify and facilitate the transfer of real estate, under what is known as the Torrens System.

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#### REPORTS OF STANDING COMMITTEES.

The following reports were presented and read:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 3, entitled "An act to amend Section 516 of the Code of Civil Procedure, by adding one subdivision thereto, and to amend Section 517 of said Code, by repealing subdivision 3 thereof," introduced by Truscott, beg leave to report that they have examined the same and recommend that the title to said bill be amended by inserting the words "relating to the statute of limitation," and as amended that said bill be referred to the Printing Committee.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 9, entitled a bill for an act prohibiting Building and Loan Associations from charging a withdrawal fee, or imposing a fine upon the par value of the stock or declaring dividends, introduced by Lindsay, beg leave to report that

they have examined the same, and recommend that it be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 10, entitled a bill for an act to amend Sections 3821, 3822 and 3823 of Article II, Chapter VI, Title X, Part III, of the Political Code of Montana, relating to the end of the fiscal year and the filing of reports of State and county officers, introduced by Hedges, beg leave to report that they have examined the same and recommend that it be printed and placed upon general orders, and further that it pass.

CRUTCHFIELD,  
Chairman.

On motion of Woods, the report of the Judiciary Committee on House Bill No. 3 was adopted.

Lindsay moved, seconded by Crutchfield, that the report of the Judiciary Committee on House Bill No. 9 be adopted.

Carried.

Day moved, seconded by Hedges, that the report of the Committee on House Bill No. 10 be received. Day moved, seconded by Hedges, that the motion be referred to the Committee on Rules and Joint Rules.

Carried.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Wilson:

House Bill No. 28—A bill for an act creating the office of State Engineer, defining his duties and regulating his compensation.

By Wilson:

House Bill No. 29—An act establishing a standard measurement of water; defining the equivalent of a miner's inch, and to repeal Section 893, Title VIII, Part IV, Division II, of the Civil Code of the State of Montana, and all conflicting laws.

By Fitzpatrick:

House Bill No. 30—An act to amend Section 4312 of the Political Code, relating to county officers.

By Lindsay:

House Bill No. 31—An act to amend an act entitled an act to amend Sections 3076 of the Political Code of the State of Montana, relating to special tax levy for bounty for killing wild animals.

By Watson:

House Bill No. 32—An act to encourage the erection of a pulp and paper mill in the State of Montana, and exempt the same from taxation.

By Phelps:

House Bill No. 33—An act to amend Section 3070, 3071, 3072, 3076 and 3079, of Article VIII, Chapter V, Title VII, of Part III, of the Political Code, relating to the payment of bounty on wild animals.

### COMMUNICATIONS.

Executive Office, Helena, Montana, January 17th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith estimates of expenses for the several State officers and permanent boards. Said estimates are itemized and numbered respectively from 1 to 17. The totals are as follows for each of the fiscal years 1899 and 1900:

Governor's office .....	\$ 7,900.00 per year
Secretary of State .....	7,600.00 per year
State Treasurer .....	5,435.00 per year
State Board of Equalization, 1899.....	2,325.00
“ “ 1900.....	2,250.00
State Auditor .....	6,400.00 per year
Attorney General .....	6,450.00 per year
Commissioners of Insane .....	100.00 per year
Prison Commissioners, expense .....	350.00 per year
Clerk of said Boards .....	1,200.00 per year
Superintendent of Public Instruction .....	4,750.00 per year
State Examiner .....	5,200.00 per year
State Veterinary Surgeon .....	4,300.00 per year
Commissioner Agriculture, Labor, Etc., 1899.....	6,500.00
“ “ 1900.....	6,000.00
State Boiler Inspector .....	7,700.00 per year
State Mine Inspector .....	6,050.00 per year
For Supreme Court .....	19,439.00 per year
National Guard .....	4,250.00 per year
Board of Pardons .....	1,300.00 per year
Board Examiners and Furnishing Board .....	2,000.00 per year
State Law Library .....	2,550.00 per year
State Historical Library .....	2,250.00 per year
For public printing .....	7,500.00 per year
Printing Montana reports .....	1,800.00 per year
Rental State offices .....	5,300.00 per year
Janitor State offices .....	1,200.00 per year
Incidental expenses Director Experiment Station.....	300.00 per year

Rewards .....	1,000.00 per year
Requisitions .....	1,000.00 per year
Salary County Attorneys .....	19,751.30 per year
One-half salary District Judges .....	22,750.00 per year

Total .....\$162,700.30

The miscellaneous expenses beginning with public printing have no itemized bills or estimates accompanying them and are not numbered, but the expenses are based on the expenditures of the past two years.

I trust these appropriations will be made as far as the revenues of the State will permit.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Referred to the Committee on State Boards and Officers.

Helena, Montana, January 16th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Whiteside:

Senate Bill No. 16—A bill for an act to amend subdivision 1 of Section 4230, Part IV, Title II, Chapter II, Article II, of the Political Code of Montana.

By Whiteside:

Senate Bill No. 17—A bill for an act to provide for a hospital building and equipments at the Montana State Soldiers' Home, and to appropriate money therefor.

By Whiteside:

Senate Bill No. 18—A bill for an act to amend Section 1942, Part III, Title III, Chapter VI, Article XVI, of the Political Code of Montana.

By Myers:

Senate Bill No. 19—A bill for an act making it unlawful to open, have or keep open certain houses and places of business, or to engage in certain lines of business on Sunday.

Notice of a bill to be introduced was given as follows:

By Norris:

A bill for an act entitled an act to amend Section 4241, Political Code of Montana, relating to the issuance of county bonds.

Very respectfully,

D. P. O'CONNOR,  
Secretary.



## READING OF HOUSE BILLS.

House Bills Nos. 28 and 29 were read a first and second time and referred to the Committee on Irrigation and Water Rights.

House Bill No. 30 was read a first and second time and referred to the Committee on Judiciary.

House Bills Nos. 31 and 33 were read a first and second time and referred to the Committee on Agriculture and Stockgrowing.

House Bill No. 32 was read a first and second time and referred to the Judiciary Committee.

The honorable the Senate of the State of Montana was announced and entered the hall of the House. The hour of 12 o'clock noon having arrived, the Senate and House met in Joint Session.

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JOINT SESSION.

Mr. President in the Chair.

The rolls of the House and Senate were called.

The minutes of the previous day's session were read and approved.

Mr. President found a quorum of both bodies present and announced that pursuant to Sections 14 to 19 inclusive, of Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Lee Mantle in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced:

For W. G. Conrad—Anderson, Campbell, Courtney, Eggleston, Myers, Stanton, Whiteside—7.

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Mahan, Riddell, Tierney, Warner—8.

For Jos. K. Toole—Clark, Norris—2.

For O. F. Goddard—Hobson, McKay, Mitchell, Phillips, Worden—5.

For J. M. Fox—Bowlen, Hannah—2.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was recorded:

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—27.

For W. A. Clark—Bennett, Black, Coarow, Day, Fine, Hill, Hutchinson, Kuphal, Lockhart, Luddy, Martin, McLaughlin, McLeod, Shovlin, Truscott, Woods—16.

For Jos. K. Toole—Metlen, Paul, Phelps, Potting, Sullivan, Sweeney—6.

For O. F. Goddard—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Chas. S. Hartman—Losekamp, More—2.

For Martin Maginnis—Clifford, O'Brien—2.

For Frank Henry—Swindlehurst—1.

For Pat Carney—Gibson—1.

For J. M. Fox—Johnson—1.

For L. A. Luce—Walsh—1.

For Lee Mantle—Parker—1.

Absent—Eversole, Garr—2.

The Secretary of the Senate then announced the following as the vote of the Joint Assembly:

For W. G. Conrad .....	34
For W. A. Clark .....	24
For J. K. Toole .....	8
For O. F. Goddard .....	15
For J. M. Fox .....	3
For Martin Maginnis .....	2
For C. S. Hartman .....	2
For Frank Henry .....	1
For L. A. Luce .....	1
For Lee Mantle ....	1
For Pat Carney .....	1
Absent ...	2
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Total .....	94

Mr. President announced there had been no election, and upon motion of Whiteside, seconded by Senator Hannah, the Joint Session dissolved and the Senate adjourned from the hall of the House.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Woods moved, and Cooney seconded, that the House do now adjourn.

C. R. CRAIG,  
Chief Clerk.

By Stanton:

A bill for an act providing for vacating platted lands and restoring title to the dedicated parts thereof to the lawful owners.

By Stanton:

A bill for an act to amend Section 4613 of the Political Code of the State of Montana, relating to fees for issuance of naturalization papers.

By Courtney:

A bill for an act to amend Section 704, in Title X, of Part I, of the penal code of the State of Montana, relating to exposed shafts, and providing a penalty for failure to enclose and protect the same.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Normoyle:

House Bill No. 34—A bill for an act to amend Section 4646, Chapter IV, Title II, of Part IV, of the Political Code of the State of Montana, relating to jurors' fees.

By Cooney:

House Bill No. 35—A bill for an act providing for the submission to the qualified electors of the State of Montana, an amendment to Sections 1 and 20, Article V, of the Constitution of Montana, relating to the Legislative Department.

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#### READING OF HOUSE BILLS.

House Bill No. 34 was read a first and second time and referred to the Judiciary Committee.

House Bill No. 35 was read a first and second time and referred to the Committee on Privileges and Elections.

Moved by Losekamp, seconded by Ingersoll, that the House take a recess until 11:45 a. m.

Carried.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The honorable the Senate of the State of Montana entered the Hall of the House.

## JOINT SESSION.

The Senate and House of Representatives met in Joint Session at the hour of 12 o'clock noon, Mr. President in the Chair.

Minutes of yesterday's session read and approved.

The rolls of the House and Senate were called.

Mr. President found a quorum of both bodies present and announced that, pursuant to Sections 14 to 19, inclusive, of Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for the election of a United States Senator to succeed the Hon. Lee Mantle in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the statutes of the United States.

The President ordered the Secretary of the Senate to call the roll and the following vote was announced:

For W. G. Conrad—Anderson, Courtney, Eggleston, Myers, Stanton—5.

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Mahan, Riddell, Tierney, Warner—8.

For Jos. K. Toole—Campbell, Norris, Whiteside—3.

For Thos. C. Power—Hobson, McKay, Mitchell, Phillips, Worden—5.

For J. M. Fox—Bowlen, Hannah—2.

Absent—Clark—1.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was recorded.

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—27.

For W. A. Clark—Bennett, Black, Conrow, Day, Fine, Hill, Hutchinson, Kuphal, Lockhart, Losekamp, Luddy, Martin, McLaughlin, McLeod, Shovlin, Sweeney, Truscott, Woods—18.

For Jos. K. Toole—Metlen, Paul, Phelps, Potting, Sullivan—5.

For Thos. C. Power—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Martin Maginnis—Clifford, Gibson, O'Brien—3.

For Chas. S. Hartman—More—1.

For Frank Henry—Swindlehurst—1.

For J. M. Fox—Johnson—1.

For L. A. Luce—Walsh—1.

For Lee Mantle—Parker—1.

Absent—Eversole, Garr—2.

The Secretary announced the following as the vote of the Joint Assembly:

For W. G. Conrad .....	32
For W. A. Clark .....	26
For J. K. Toole .....	8
For T. C. Power .....	15
For J. M. Fox .....	3
For Martin Maginnis .....	3
For C. S. Hartman .....	1
For Frank Henry .....	1
For L. A. Luce .....	1
For Lee Mantle .....	1
Absent .....	3
<hr/>	
Total .....	94

The President announced that there had been no choice, and upon motion of Senator Anderson, seconded by Senator Hannah, the Joint Assembly dissolved and the Senate withdrew from the hall of the House.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Clifford moved, seconded by Losekamp, that when the House adjourn it be until 10:30 a. m. to-morrow.

Carried.

Upon motion of Woods, the House then adjourned.

C. R. CRAIG,  
Chief Clerk.

## EIGHTEENTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 19th, 1899.

The House met at 10:30 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### NOTICES.

Notices of intention to introduce bills were given as follows:

By Lewis:

A bill for an act entitled an act to amend the medical practice act, relative to appeals.

By Lindsay:

A bill for an act entitled an act to provide for the dividing of counties into districts and the election of County Commissioners from said districts.

By Stephens:

A bill for an act entitled an act to provide an assistant for the Register of the State Land Office; to fix the salary thereof and designate the fund from which he shall be paid.

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### REPORTS OF STANDING COMMITTEES.

The following reports were received and read:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 10, introduced by Hedges, entitled "A bill for an act to amend Sections 3821, 3822 and 3823, of Article II, Chapter VI, Title XI, Part III, of the Political Code of Montana, relating to the ending of the fiscal year, and the filing of reports of State and county officers," beg leave to report that they recommend that said bill be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 11, introduced by Keiley, entitled "A bill for an act to amend Sections 891 and 895, in Chapter IV, of Title VII, of Part II, of the Code of Civil Procedure of the State of Montana, relating to attachments," beg leave to report that they recommend that said bill be indefinitely postponed.

CRUTCHFIELD,

Chairman.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 14, introduced by Gibson, entitled "A bill for an act to amend Sections 2430 of the Code of Civil Procedure of the State of Montana," beg leave to report that they recommend that said bill be indefinitely postponed.

CRUTCHFIELD,

Chairman.

Upon motion the reports of the Judiciary upon House Bills Nos. 10, 11 and 14 were unanimously adopted.

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#### INTRODUCTION OF BILLS.

By Cooney:

House Bill No. 36—A bill for an act in relation to bonds, and to giving and guaranteeing of judicial, official and other bonds by surety companies, and to provide for the license, management and control of surety companies doing business in the State of Montana, and to amend Sections 1053, 1057, 1058, 1059, 1067, 1073 and 1084, in Article IX, of Chapter VII, of Title I, of Part III, of the Political Code of the State of Montana, relating to bonds of officers and other bonds, and to add to said Article IX nine new sections to be numbered consecutively Sections 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098 and 1099 of the Political Code, and to relate to official, judicial and other bonds, and to repeal all laws in conflict herewith.

By Chifford:

House Bill No. 37—A bill for an act entitled an act to repeal an act entitled an act to prevent the sale of liquors on credit, approved March 1st, 1897.

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#### READING OF HOUSE BILLS.

House Bills Nos. 36 and 37 were read a first and second time and referred to the Judiciary Committee.

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#### COMMUNICATIONS.

The following communications were received and read:

Executive Office, Helena, Montana, January 18th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

In transmitting to you yesterday estimates of the expenses for the several State officers and permanent boards for the next two fiscal years, I neglected to put in the list the estimate of the expenses of the State Board of Education of \$800.00 for each of the fiscal years 1899 and 1900.

I would now also suggest the propriety of an appropriation for each of said years of \$1,000.00 for supplies of State offices in general and an appropriation for each of said years of \$1,500.00 for extra clerical hire for State offices.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Helena, Montana, January 18th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Stanton:

Senate Bill No. 21—A bill for an act to amend Section 4613 of the Political Code of the State of Montana, relating to fees for issuance of naturalization papers.

By Stanton:

Senate Bill No. 22—A bill for an act providing for the submission to the qualified electors of the State of Montana, an amendment to Sections 1 and 20, Article V, of the Constitution of Montana, relating to the Legislative Department.

By Norris:

Senate Bill No. 23—A bill for an act to amend Section 4241, Article III, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to the issuance and execution of county bonds.

Notice of a bill to be introduced was given as follows:

By Norris:

A bill for an act entitled an act to amend Section 4638, of the Political Code of Montana, relating to the fees of County Treasurers.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Normoyle, chairman of the Committee on Printing, was granted unanimous consent to present the following report:

Helena, Montana, January 19th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bill No. 3, respectfully report the same back as properly printed.

NORMOYLE,  
Chairman.



Moved by Paul, seconded by Kelley, C. F., that the message of his Excellency, the Governor, be referred to the Committee on State Boards and Officers.

Carried.

Upon motion of Truscott, seconded by Stephens, House Bill No 3 was placed upon General Orders.

Moved by Lindsay, seconded by Cooney, that the House take a recess until 11:45 a. m.

Carried.

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The House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The honorable the Senate of the State of Montana entered the House. The hour of 12 o'clock noon having arrived, the Senate and House of Representatives met in Joint Session.

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#### JOINT SESSION.

The President of the Senate in the Chair.

The rolls of the House and Senate called. A quorum of both bodies present.

The minutes of the previous Joint Session were read and approved.

Mr. President then announced that pursuant to Sections 14 to 19 inclusive, of Title II, Chapter I, of the Revised Statutes of the United States, the Joint Assembly would now proceed to ballot for a United States Senator to succeed the Hon. Lee Mantle in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President then ordered the Secretary of the Senate to call the roll of the Senate and the following vote was announced:

For W. G. Conrad—Anderson, Courtney, Eggleston, Myers, Stanton—5.

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Mahan, Riddell, Tierney, Warner—8.

For Jos. K. Toole—Norris, Whiteside—2.

For J. M. Fox—Bowlen, Campbell, Clark, Hannah—4.

For F. M. Malone—Hobson, McKay, Mitchell, Phillips, Worden—5.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was recorded:

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—28.

For W. A. Clark—Bennett, Black, Conrow, Day, Fine, Hill, Hutchinson, Kuphal, Lockhart, Losekamp, Luddy, Martin, McLaughlin, McLeod, Phelps, Potting, Shovlin, Sweeney, Truscott, Woods—20.

For Jos. K. Toole—Paul, Sullivan—2.

For F. M. Malone—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Martin Maginnis—Clifford, Gibson, Metlen, O'Brien, Walsh—5.

For J. M. Fox—Johnson—1.

For Chas. S. Hartman—More—1.

For Lee Mantle—Parker—1.

For Frank Henry—Swindlehurst—1.

Absent—Eversole—1.

The Secretary of the Senate thereupon announced the following as the vote of the Joint Assembly:

For W. G. Conrad .....	33
For W. A. Clark .....	28
For J. K. Toole .....	4
For F. M. Malone .....	15
For Dr. J. M. Fox .....	5
For Martin Maginnis .....	5
For C. S. Hartman .....	1
For Lee Mantle .....	1
For Frank Henry .....	1
Absent .....	1
<hr/>	
Total .....	94

The President announced that there had been no election.

Moved by Senator Norris, seconded by Senator Hannah, that the Joint Assembly do now dissolve and that the Senate retire from the hall of the House.

Carried.

The House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Moved by Day, seconded by Black, that the House adjourn until 10:30 a. m. to-morrow.

Carried.

C. R. CRAIG,  
Chief Clerk.

## NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 20th, 1899.

The House met at 10:30 a. m. pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The Journal of the previous day's session was read and approved.

Day, Eversole and Garr were excused from attendance upon to-day's session.

### NOTICES.

The following notices of bills to be introduced were given:

By Hedges:

A bill for an Act to amend Sections 3860 and 3866 of Article II, Chapter VIII, Title X, Part III, of the Political Code of Montana, relating to the collection of property taxes.

Also, a bill for an act entitled an act to amend Section 4250, Article III, Chapter II, Title II, Part IV, and Section 4353, Article II, Chapter III, Title II, Part IV, of the Political Code of Montana, relating to the interest on county warrants.

Also, a bill for an act entitled an act to amend Section 442, of Article VII, Chapter III, Title I, Part III, of the Political Code of Montana, relating to the rate of interest on State warrants.

By O'Brien:

A bill for an act entitled an act appropriating money for the relief of the State Orphans' Home.

### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received:

Helena, Montana, January 19th, 1899.

Mr. Speaker:

Your Committees on Townships and Counties, Affairs of Cities, Internal Improvements, Mines and Mining and Labor, report the necessity of two clerks for said committees and have selected Miss Anna Kelly and Miss McGuire as such clerks.

Townships and Counties—Watson, Madden, Martin, Truscott, Metlen, Hedges, Lindsay.

Affairs of Cities—Sweeney, Kelley, C. F., Walsh, Flinn, Black, Swindlehurst.

Internal Improvements—McLaughlin, Fitzpatrick, Kuphal, Magee, Flinn, Jacqueth.

Mines and Mining—Finlen, Sullivan, Bonner, Shovlin, Clifford, Johnson, Parker.

Labor—Murray, Boylan, Fine, McLaughlin, Bonner, Bywater, Bennett.

O. W. MURRAY,

Chairman of Labor Committee.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 20, entitled, "A bill for an act to repeal Section 2585, Chapter III, Title IV, Part IV, Division III, of the Civil Code of the State of Montana," introduced by Hedges, beg leave to report as follows:

We recommend that the title of said bill be amended to read as follows:

"An act to amend Section 2585, Chapter III, Title IV, Part IV, Division III, of the Civil Code of the State of Montana," and that said bill as amended be printed.

CRUTCHFIELD,

Chairman.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 30, entitled, "An act to amend Section 4312 of the Political Code, relating to County Officers," introduced by Fitzpatrick, beg leave to report that they find the bill drawn in legal form, and recommend that it be printed.

CRUTCHFIELD,

Chairman.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 32, entitled, "An Act to encourage the erection of a pulp and paper mill in the State of Montana, and to exempt the same from taxation," introduced by Watson, beg leave to report that they find the bill unconstitutional and therefore recommend that the consideration of the same be indefinitely postponed.

CRUTCHFIELD,

Chairman.

Moved by Hedges, seconded by Stephens, that the report of the Committees on Townships and Counties, Affairs of Cities, Internal Improvements, Mines and Mining and Labor, be ratified.

Moved as a substitute by Burke, seconded by Sweeney, that further action upon the report be indefinitely postponed.

By a rising vote the substitute was declared carried, 31 voting in the affirmative and 28 in the negative.

Upon motion, the reports of the Judiciary Committee upon House Bills Nos. 20, 30 and 32 were adopted.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Lindsay:

House Bill No. 40—An act entitled an act providing for the dividing of counties into districts, and the election of County Commissioners from said districts.

By Kelley, C. F.:

House Bill No. 42—A bill for an act to amend Section 1688, Chapter XII, Title XI, of the Code of Civil Procedure, relating to the appointment of special constables.

By Walsh:

House Bill No. 44—A bill for an act to amend Section 681, Article III, Title IV, Chapter I, of the Code of Civil Procedure of the State of Montana, to provide for the collection and disbursement of taxes upon insurance companies.

By Lewis:

House Bill No. 38—A bill for an act to amend Section 603, of the Political Code of the State of Montana, relating to appeals from the decision of the Board of Medical Examiners.

By Norrfoyle:

House Bill No. 39—A bill for an act to amend Section 4636, and to repeal Section 4613, in Chapter IV, of Title II, of Part IV, of the Political Code of the State of Montana, relating to the salaries and fees of officers, particularly to the office of Clerk of the District Court.

By Hedges:

House Bill No. 44—A bill for an act to provide for the regulation of land titles in the State of Montana, and to simplify and facilitate the transfer of real estate.

By Stephens:

House Bill No. 45—An act to provide an assistant for the Register of the State Land Office; to fix the salary thereof and designate the fund from which he shall be paid.

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#### READING OF HOUSE BILLS.

House Bills Nos. 38 and 39 were read a first and second time and referred to the Judiciary Committee.

House Bill No. 40 was read a first and second time and referred to the Committee on Townships and Counties.

The honorable the Senate of the State of Montana entered the hall of the House.

#### JOINT SESSION.

The hour of 12 o'clock noon having arrived, the Senate and House of Representatives met in Joint Session, the President of the Senate in the Chair.

The rolls of the House and Senate were called.

Mr. President found a quorum of both bodies present.

The minutes of yesterday's Joint Assembly were read and approved.

The President then announced that the Joint Assembly would now proceed to vote for a United States Senator to succeed the Hon. Lee Mantle in the Congress of the United States.

It was ordered that each member of the Joint Assembly announce viva voce his choice for Senator, and this proceeding was followed in accordance with the requirements of the Statutes of the United States.

The President ordered the Secretary of the Senate to call the roll of the Senate, when the following vote was announced:

For W. G. Conrad—Anderson, Courtney, Eggleston, Myers, Stanton—5.

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Mahan, Riddell, Tierney, Warner—8.

For Jos. K. Toole—Norris, Whiteside—2.

For J. M. Fox—Bowlen, Campbell, Clark, Hannah—4.

For F. M. Malone—Hobson, McKay, Mitchell, Phillips, Worden—5.

The President ordered the Chief Clerk of the House to call the roll of the House, and the following vote was recorded:

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—27.

For W. A. Clark—Bennett, Black, Conrow, Fine, Gibson, Hill, Hutchinson, Kuphal, Lockhart, Losekamp, Luddy, Martin, McLaughlin, McLeod, Phelps, Potting, Shovlin, Sweeney, Truscott, Walsh, Woods—21.

For F. M. Malone—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Jos. K. Toole—Metlen, Paul, Sullivan—3.

For Chas. S. Hartman—Johnson, More—2.

For Martin Maginnis—Clifford, O'Brien—2.

For J. M. Fox—Swindlehurst—1.

For Lee Mantle—Parker—1.

Absent—Day, Eversole, Garr—3.

The Secretary thereupon announced the following as the vote of the Joint Assembly:

W. G. Conrad .....	32
W. A. Clark .....	29
J. K. Toole .....	5
F. M. Malone .....	15
J. M. Fox .....	5
Martin Maginnis .....	2
C. S. Hartman .....	2
Lee Mantle .....	1
Absent .....	3
<hr/>	
Total .....	94

The President announced that there had been no choice, and upon motion of Senator Worden, seconded by Senator Hannah, the Joint Assembly then dissolved and the Senate retired from the hall of the House.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Upon motion of Swindlehurst, the House then adjourned.

C. R. CRAIG,  
Chief Clerk.

## TWENTIETH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 21st, 1899.

The House met at 10 o'clock a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

Eversole and Gillette were excused from attendance at to-day's session on account of illness.

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### NOTICES.

Notices of the introduction of bills were given as follows:

By Toole:

A bill relating to the right of suffrage for women.

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### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred House Bill No. 17, A bill for an act to provide for the organization, government and control of a fire department for cities and towns, regulating appointments thereto, and providing for the creation of a disability fund for the care and maintenance of firemen disabled in the line of duty, and to punish frauds thereon, respectfully report the same back and recommend its passage.

SWEENEY,

Chairman.

The bill was referred to the Printing Committee.

Helena, Montana, January 21st, 1899.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, having under consideration House Bill No. 28, entitled "A bill for an act creating the office of State Engineer, defining his duties and regulating his compensation," intro-



duced by Wilson, beg leave to report that they recommend that the bill be amended and as amended it do pass.

WILSON,  
Chairman.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 29, entitled "A bill for an act establishing a standard of measurement for water, defining the equivalent of a miner's inch, and repealing Section 1893, Title VIII, Part IV, Division II, of the Civil Code of the State of Montana, and all conflicting laws," introduced by Wilson, beg leave to report that they recommend that the same do pass.

WILSON,  
Chairman.

Reports adopted, House Bills 28 and 29 ordered printed.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Stephens:

House Bill No. 45—An act relating to the appraisal, sale and leasing of State lands, repealing Sections 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507, 3508, 3509, 3510, 3513, 3520, 3521, 3533, of the Political Code of the State of Montana, and substituting therefor certain sections to be numbered 3475, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3487, 3488, 3489, 3490, 3491, 3493, 3494, 3495, 3496, 3497, 3498, 3506, 3507.

By Hedges:

House Bill No. 46—A bill for an act entitled an act to amend an act to amend Section 432, of Article VII, Chapter III, Title I, Part III, of the Political Code of Montana, relating to the State Treasurer.

Also, House Bill No. 47—A bill for an act to amend Section 4250, Article III, Chapter II, Title II, Part IV, and also Section 4353, Article II, Chapter III, Title II, Part IV, of the Political Code of the State of Montana, relating to the interest on county warrants.

By O'Brien:

House Bill No. 48—A bill for an act entitled an act appropriating money for the relief of the State Orphans' Home.

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#### MOTIONS AND RESOLUTIONS.

Toole moved that J. C. Sullivan be assigned as clerk of the Committee on Labor, his time to date from January 9th. Seconded by Wilson.

Carried.

## READING OF HOUSE BILLS.

Lindsay moved, seconded by Lewis, that the rules be suspended and House Bill No. 41 be read a first and second time by title.

Carried.

House Bill No. 41 was read a first and second time by title and referred to the Committee on Judiciary.

House Bills Nos. 42 and 46 were read a first and second time and referred to the Judiciary Committee.

House Bill No. 43 was read first and second time and referred to the Committee on State Boards and Officers.

House Bill No. 44 was read a first and second time and referred to the Committee on Ways and Means.

House Bill No. 45 was read a first and second time and referred to the Committee on State Lands.

House Bill No. 47 was read a first and second time and referred to the Committee on Townships and Counties.

House Bill No. 48 was read a first and second time at length and referred to the Committee on State Institutions, Public Buildings and Grounds.

## READING OF SENATE BILLS.

Senate J. M. No. 1 was read a first and second time and referred to the Committee on Federal Relations.

Substitute for Senate Bill No. 6 was read a first and second time and referred to the Committee on Privileges and Elections.

Senate Bill No. 8 was read a first and second time and referred to the Judiciary Committee.

Senate Bill No. 14 was read a first and second time and referred to the Judiciary Committee.

Senate Bill No. 10 was read a first and second time and referred to the Judiciary Committee.

## COMMUNICATIONS.

The following communications were received:

Helena, January 21st, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit estimates of money needed to run the prison, asylum and educational institutions, with the exception of the School of Mines at Butte, which estimate I have not received. You will note that in several instances I have cut out and reduced the estimates made by the officers of

the several institutions. I am constrained to believe we should not continually be increasing the salary list or expending so lavishly at this time for equipment. Our educators desire everything to be as perfect in a new state with young institutions as the same institutions in the East have reached with millions back of them and ages for bringing equipment to its present proficiency. To expect so much at once is out of reason and not in keeping with our income.

Very respectfully,

ROBT B. SMITH,  
Governor.

The communication and accompanying documents were referred to the Committee on Appropriations.

Helena, Montana, January 19th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced:

By Norris:

Senate Bill No. 24—A bill for an act to amend Section 4638, of Chapter IV, Title II, Part IV, of the Political Code of Montana, relating to the fees of County Treasurers.

Notices of bills to be introduced were given as follows:

By Anderson:

A bill to provide for the registration of land titles.

By Hobson:

A bill regulating and fixing the fees and salaries of county officers, and also fixing and regulating the number, duties and salaries of deputies.

By Stanton:

A bill for an act abolishing the office of Reporter of the Supreme Court, requiring the persons who may be Justices of said Court to report decisions, and fixing their duties and their compensation.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 20th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that notices of bills to be introduced were given as follows:

By Hannah:

A bill for an act to amend Section 1354, 1360, 1361 and 1367, Part III, Title II, Chapter IX, of the Political Code of the State of Montana, relating to the printing of ballots and the manner of voting, and to provide for a simple form of ballot and greater secrecy in voting.

By Campbell:

A bill for an act entitled to suppress and punish trespasses for stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against the same.

By Clark:

A bill to amend Section 3996, Title XV, Chapter I, Article I, of the Civil Code of Montana, relating to negotiable instruments.

By Riddell:

A bill for an act entitled an act to amend Section 2776, of Chapter X, Article I, of the Code of Civil Procedure, relating to the liabilities and compensation of executors.

By Myers:

A bill for an act to amend Section 1940, of Senate Bill No. 44, of the session acts of the Fifth Legislative Assembly of the State of Montana, relating to education.

By Worden:

A Senate Joint Memorial, memorializing the Congress of the United States to open the Flathead Indian Reservation in Missoula County, in Montana.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 20th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Courtney:

Senate Bill No. 25—A bill for an act to amend Section 704, in Title X, of Part I, of the Penal Code of the State of Montana, relating to exposed shafts, and providing a penalty for failing to enclose and protect the same.

By Hobson:

Senate Bill No. 26—A bill for an act to amend Sections 4594, 4596, 4597, 4602, 4606 and 4660, of Chapter IV, Title II, Part IV, of the Political Code, relating to salaries and fees of officers and their deputies, and amending the title to said Chapter so as to read, "Salaries and fees of officers and their deputies."

By Anderson:

Senate Bill No. 27—A bill for an act entitled an act entitled an act to provide for the registration of land titles in the State of Montana and to simplify and facilitate the transfer of real estate.

By Stanton:

Senate Bill No. 28—A bill for an act to provide for vacating platted

lands, townsites, additions to townsites, and parts thereof, and to restore the title of dedicated portions thereof to rightful owner.

Also, Senate Bill No. 29—A bill for an act to amend Section 200, Chapter I, Title VII, Part I, of the Penal Code, relating to the attendance and examination of witnesses in matters of bribery and corruption at any hearing, proceeding or investigation.

Also Senate Bill No. 30—A bill for an act abolishing the office of reporter of the Supreme Court, requiring the persons who may be Justices of said Court to report decisions and fixing their duties and compensation.

Also, Senate Bill No. 31—A bill for an act to amend Sections 720 and 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure of Montana, relating to pleadings in civil actions.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 20th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bill No. 8 and substitute for Senate Bill No. 6 have passed the Senate and are herewith transmitted for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 19th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bill No. 14 and Senate Joint Memorial No. 1 have passed the Senate and are herewith transmitted for your concurrence.

Yours respectfully,

D. P. O'CONNOR,  
Secretary.

On motion of Phelps, duly seconded, the House took a recess until 11:45.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The honorable the Senate entered the House, was received and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

Hall of the House of Representatives.

Helena, Montana, January 21st, 1899.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 m.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House was found to be present.

Minutes of the previous Joint Session read and approved.

A vote of the Senate was taken on United States Senator, which resulted as follows:

For W. A. Clark—Connolly, Cullen, Gruwell, Hoffman, Mahan, Riddell, Tierney, Warner—8.

For W. G. Conrad—Anderson, Campbell, Courtney, Eggleston, Myers, Stanton, Whiteside—7.

For T. C. Marshall—Hobson, McKay, Mitchell, Phillips, Worden—5.

For J. M. Fox—Bowlen, Hannah—2.

For Martin Maginnis—Norris—1.

Absent—Clark—1.

The vote of the House was taken with the following result:

For W. A. Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Gibson, Hill, Hutchinson, Johnson, Kuphal, Lockhart, Losekamp, Luddy, Martin, Metlen, McLaughlin, McLeod, Parker, Phelps, Potting, Shovlin, Sweeney, Truscott, Woods—25.

For W. G. Conrad—Bonner, Boylan, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—26.

For T. C. Marshall—Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—9.

For Martin Maginnis—Clifford, O'Brien, Paul, Sullivan—4.

For J. M. Fox—Swindlehurst—1.

For C. S. Hartman—More—1.

Absent—Beasley, Garr, Gillette, Walsh—4.

The Secretary of the Senate announced the vote of the Joint Session to be as follows:

For W. A. Clark .....	33
For W. G. Conrad .....	33
For T. C. Marshall .....	14
For J. M. Fox.....	3
For Martin Maginnis .....	5

For C. S. Hartman .....	1
Absent .....	5
	—
Total .....	94

There being no choice the President declared no election.

On motion of Senator Phillips, seconded by Senator Connolly, the Joint Session dissolved.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

On motion of Normoyle, seconded by Marcyes, the House adjourned until 11 a. m. Monday.

C. R. CRAIG,  
Chief Clerk.

## TWENTY-SECOND DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 18th, 1899.

The House met at 11 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The Journal of the previous day's session was read and approved.

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### NOTICES.

Notice of introduction of bills was given as follows:

**By the Appropriation Committee:**

A bill to cover deficiency appropriations as enumerated in a communication from the Governor, dated January 14th, 1899.

**By Hutchinson:**

A bill for an act entitled an act to allow the heirs of deceased persons to bond and lease mining claims.

**By Black:**

A bill for an act entitled an act to amend Section 4756, Chapter III, Article II, of the Political Code of Montana, relating to city and town elections.

**By O'Brien:**

A bill for an act appropriating \$10,000 of the "Boodle Fund" now in the hands of the State Treasurer for the purpose of completing the State Orphans' Home Building, in accordance with the original plans and specifications.

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### REPORTS OF STANDING COMMITTEES.

The following report of the Committee on Education was received and read:

Helena, Montana, January 22nd, 1899.

**Mr. Speaker:**

We, your Committee on Education, having duly considered House Bill



No. 16, report the same back with the recommendation that it be amended by striking from Section 1 the words, "Have a diploma from some reputable kindergarten teachers' institute, or," and by adding thereto the words, "Provided, That a certificate or diploma from a kindergarten institute of recognized standing shall be recognized by the State Normal School," and as amended that it do pass.

STONE,  
Chairman.

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#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Hedges:

House Bill No. 49—A bill for an act to amend Sections 3860 and 3866 of Article II, Chapter VIII, Title X, No. 3, of the Political Code of Montana, relative to the collection of property taxes.

By Toole:

House Bill No. 50—An act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to Section 2, Article IX, of the Constitution of Montana, relative to the right of suffrage.

By Beasley:

House Bill No. 51—A bill for an act to amend Section 3935 of the Civil Code of the State of Montana.

By Lindsay:

House Bill No. 52—A bill for an act entitled, an act to amend Section 4, of an act to provide for the organization, regulation and inspection of building and loan associations, and to repeal Sections 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844 and 845 of the Civil Code of Montana.

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#### COMMUNICATIONS.

The following communications were received and read:

Helena, Montana, January 21st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Campbell:

Senate Bill No. 32—A bill for an act to suppress and punish trespasses and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

By Myers:

Senate Bill No. 33—A bill for an act to amend Section 1940, of Senate Bill No. 44, of the Session Acts of the Fifth Legislative Assembly of the State of Montana, being entitled "An act to amend Sections 1711, 1743, 1756, 1758, 1797, Subdivision 15, 1830, Subdivision 3, 1848, 1862, 1903, 1904, and 1940 of Part III, Title III, of the Political Code, relating to Education."

By Hannah:

Senate Bill No. 34—A bill for an act to amend Sections 1354, 1360, 1361 and 1367, Part III, Title II, Chapter IX, of the Political Code of the State of Montana, relating to the printing of ballots and the manner of voting, and to provide for a simple form of ballot and greater secrecy in voting.

That the following Senate Joint Memorial was introduced:

By Worden:

Senate Joint Memorial No. 2—A Senate Joint Memorial, memorializing the Congress of the United States to open a portion of the Flathead Indian Reservation, in Missoula County, Montana.

That notices of bills to be introduced were given as follows:

By Whiteside:

A bill for an act to provide for the submission to the qualified electors of the State of Montana, an amendment to Sections 1 and 20 and 24, Article V, of the Constitution of the State of Montana, relating to the Legislative Department.

Also, A bill for a Joint Memorial to Congress, relating to the election of United States Senators.

Also, A bill for an act to empower and direct the State Treasurer to dispose of certain exhibits of money received by said Treasurer from the Joint Investigating Committee of this body.

By Cullen:

A bill providing for the dividing of counties into districts and the election of commissioners from said district.

By Mahan:

A bill for an act to amend Section 5, of House Bill No. 123, of Session Laws of 1897, approved March 8th, 1897, entitled an act to repeal Sections 1110 to 1144 inclusive of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur-bearing animals and game.

By Mahan:

A bill for an act providing for the collection of special road tax by the local authorities in charge of the public highways in their respective dis-

## STATE OF MONTANA.

tricts, other than municipalities, on and after the 1st day of July, each year.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 21st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bill No. 10 has been passed by the Senate and is herewith transmitted for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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READING OF HOUSE BILLS.

House Bill No. 49 was read a first and second time and referred to the Committee on Ways and Means.

• House Bill No. 50 was read a first and second time and referred to the Committee on Privileges and Elections.

House Bill No. 51 was read a first and second time and referred to the Judiciary Committee.

House Bill No. 52 was read a first and second time and referred to the Committee on Incorporations and Manufactures.

The honorable the Senate entered the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

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JOINT SESSION.

Hall of Representatives.

Helena, Montana, January 23rd, 1899.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 m.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House, respectively, were found to be present.

Minutes of the previous Joint Session were read and approved.

A vote of the Senate was taken on United States Senator, which resulted as follows:

For W. A. Clark—Connolly, Cullen, Gruwell, Hannah, Hoffman, Mahan, Riddell, Tierney, Warner—9.

For W. G. Conrad—Anderson, Campbell, Courtney, Eggleston, Myers, Stanton, Whiteside—7.

For C. Hedges—Hobson, McKay, Mitchell, Phillips, Worden—5.

For J. M. Fox—Bowlen—1.

For Martin Maginnis—Clark, Norris—2.

The vote of the House was taken with the following result:

For W. A. Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Gibson, Hill, Hutchinson, Luddy, Martin, Metlen, McLaughlin, McLeod, More, Parker, Phelps, Potting, Shovlin, Sweeney, Truscott, Walsh, Woods—27.

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—26.

For Cornelius Hedges—Beasley, Bywater, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—9.

For Martin Maginnis—Clifford, O'Brien, Paul, Sullivan—4.

For J. M. Fox—Swindlehurst—1.

For Henry Blake—Hedges—1.

Absent—Garr, Moran—2.

The Secretary of the Senate announced the vote of the Joint Session to be as follows:

For W. A. Clark .....	36
For W. G. Conrad .....	33
For Cornelius Hedges .....	14
For Henry N. Blake .....	1
For J. M. Fox .....	2
For Martin Maginnis .....	6
Absent .....	2
<hr/>	
Total .....	94

There being no choice, the President declared no election.

On motion of Senator Norris, seconded by Campbell, the Joint Session dissolved.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Upon motion of Lindsay, seconded by Woods, the House thereupon adjourned until 11 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## TWENTY-THIRD DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 24th, 1899.

The House met pursuant to adjournment at 11 o'clock a. m.

Mr., Speaker in the Chair.

Roll called.

Quorum present.

The minutes of the previous day's session were read and approved.

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### NOTICES.

The following notices of introduction of bills were given:

By Day:

To confer certain powers upon societies organized for the purpose of providing homes for homeless children, and upon county commissioners and justices of the peace in regard to the care of indigent children.

Also, A bill to amend Section 2588 of Civil Code, relating to interest on judgments.

Also, A bill to amend Section 895 of the Code of Civil Procedure, relating to the levy of writs of attachments and garnishments.

By Crutchfield:

A bill for an act to amend Section 12 of the Code of Civil Procedure, relating and to increase the number of Justices of the Supreme Court to five.

By Cooney:

A bill for an act entitled an act changing the boundary lines between the counties of Meagher and Cascade.

By Bywater:

A bill for an act to legalize the bonds of School District No. 5, of Flathead County, Montana, which said bonds were on May 7th, 1898, voted to be issued by the qualified electors of said district.

By Bennett:

A bill for an act entitled an act to amend Section 4082 of the Political Code of the State of Montana, relating to licenses of builders and contractors.

## REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 7, entitled an act providing a lien for boarding and lodging house keepers, and to amend Section 2502 of the Civil Code, and repeal Section 2511 of the Civil Code, introduced by Day;

House Bill No. 8, entitled an act providing liens upon saw logs, piling, railroad ties, cordwood, other timber, and upon lumber, shingles, and concerning the remedy to secure and attain such liens, and the benefit thereof, and the manner and procedure of obtaining the same, introduced by Mr. Stcne, and

House Bill No. 34, entitled a bill for an act to amend Section 4646, in Chapter IV, of Title II, of Part IV, of the Political Code of the State of Montana, relating to jurors' fees, introduced by Normoyle, beg leave to report that the same be printed.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 12, entitled a bill for an act to amend Section 3434, in Article III, of Chapter III, of Title XII, of Part III, of the Code of Civil Procedure of the State of Montana, relating to appointment of administrators of the estates of deceased persons, introduced by Murray, beg to recommend that said bill be amended and that as amended it do pass.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 4, entitled an act to amend Article IX, Section 1059, of the Political Code, relating to bonds of officers, introduced by Truscott;

House Bill No. 21, entitled an act concerning fees of jurors in civil cases, introduced by Martin;

House Bill No. 23, entitled a bill for an act to amend Section 1222, of Chapter I, Title IX, Part II, of the Code of Civil Procedure of the State of Montana, relating to exemptions of property from execution, introduced by Losekamp;

House Bill No. 24, entitled an act to amend Section 2045, of Chapter II, Title VII, of Part II, of the Penal Code of the State of Montana, relating to the number of peremptory challenges to which the State is entitled in the trial of criminal causes, introduced by Losekamp, and

House Bill No. 27, entitled a bill for an act to amend Section 3259, Chapter XIII, Part III, Title VII, of the Political Code, relating to animals

breaking into enclosures surrounded by a legal fence; beg leave to report and recommend that the consideration of the same be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 37, entitled "A bill for an act entitled an act to repeal an act entitled an act to prevent the sale of liquors on credit, approved March 1, 1897," introduced by Clifford, beg leave to recommend that the same be printed.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 19, entitled a bill for an act to add Section 3260, 3261 to Chapter XIII, Part III, Title VII, of the Political Code of the State of Montana, relating to driving horses, cattle, sheep or other domestic animals inside of fenced enclosures, without the consent of the owner of such enclosures, introduced by Hedges, beg leave to recommend that said bill be referred to the Committee on Agriculture and Stockgrowing.

CRUTCHFIELD,  
Chairman.

Helena, Montana, January 24th, 1899.

Mr. Speaker:

Your Committee on Rules and Joint Rules respectfully recommend that House Bill No. 26 be amended so as to read as follows:

#### RULE 26.

#### Amendments.

"When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but neither may be withdrawn before amendment or decision is had thereon. The committee to which a bill is referred shall correct the title thereof, when necessary to make it conform to the requirements of the Constitution, and no amendment thereto or alteration shall thereafter be made until after the final passage of the bill, when the title shall be agreed to.

LAMB,  
Chairman.

Helena, Montana, January 24th, 1899.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills

Nos. 13, 22, 25, respectfully report the same back with the recommendation that they do pass.

PAUL,  
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 15, entitled a bill for an act to amend Section 32, in Chapter IV, of Title I, of Part I, of the Code of Civil Procedure of the State of Montana, relating to the number of judges and jury panels in the District Court of the judicial districts of this State, introduced by Lamb, beg leave to report and recommend that that portion of the title of said bill reading as follows: "and jury panels," and in Section 32 of said bill the words, "but at no time shall more than two jury panels be summoned or in attendance upon any district court of this State," be stricken out and that said bill as amended be printed.

CRUTCHFIELD,  
Chairman.

Helena, Montana, January 24th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills Nos. 29, 28, 29. 30, respectfully report the same back as properly printed.

NORMOYLE,  
Chairman.

Upon motion of Stephens, duly seconded, the report of the Judiciary Committee on House Bills Nos. 4, 21, 23, 24 and 27 was adopted.

Moved by Lamb, seconded by Hedges, that the report of the Judiciary Committee on House Bill No. 17 be adopted.

Carried.

Moved by Day, seconded by Kelley, C. F., that the report of the Committee on Rules be adopted.

Carried.

Moved by Lamb, seconded by Crutchfield, that the report of the Judiciary Committee on House Bill No. 15, be adopted.

Moved as a substitute by Stephens, seconded by Clifford, that the rules be suspended and that the report of the Judiciary Committee on House Bill No. 15 be adopted.

Carried.

The report of the Printing Committee on House Bills Nos. 20, 28, 29 and 30 was adopted and the bills named were placed upon General Orders.

The report of the Committee on Appropriations on House Bills 13, 22 and 25 was adopted and the bills were ordered referred to the Printing Committee.



## COMMUNICATIONS.

The following communications were received and read:

Helena, Montana, January 23rd, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Riddell:

Senate Bill No. 35—A bill for an act to amend Section 2776, of Chapter X, Article I, of the Code of Civil Procedure, relating to the liabilities and compensation of executors.

By Clark:

Senate Bill No. 36—A bill for an act to amend Section 3996, Title XV, Chapter I, Article I, of the Civil Code of the State of Montana, relating to negotiable instruments.

By Cullen:

Senate Bill No. 37—A bill for an act entitled an act providing for the dividing of counties into districts and the election of County Commissioners from said districts.

By Mahan:

Senate Bill No. 38—A bill for an act entitle an act providing for the collection of special road tax by the local authorities in charge of public highways in their respective districts, other than municipalities, on and after the first day of July each year.

By Mahan:

Senate Bill No. 39—A bill for an act to amend Section 5, of House Bill No. 123, of the Session Laws of 1897, approved March 8th, 1897, entitled "An act to repeal Sections 1110 to 1144 inclusive, of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur-bearing animals and game."

By Whiteside:

Senate Bill No. 40—A bill for an act to empower and direct the Treasurer of the State of Montana to dispose of certain exhibits of money received by said Treasurer from the Chairman of the Joint Investigating Committee of the Sixth Legislative Assembly, and to fix the conditions upon which such disposal shall be made.

Notices of bills to be introduced were given as follows:

By Hoffman:

A bill for an act to amend Sections 3161 and 3162, of Chapter IX, Title VII, of Part III, of the Political Code, relating to the recording of trade marks.

By Anderson:

A bill changing the boundary line between the counties of Cascade and Meagher.

That Senate Bill No. 5, Senate Bill No. 11 and Senate Bill No. 15 have passed the Senate and are herewith transmitted for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Executive Office, Helena, Montana, January 24th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to transmit herewith for the consideration of your honorable body Deficiency Bill No. 13 for the fiscal year 1895, and Deficiency Bill No. 13, for the fiscal year 1895, and Deficiency Bills numbered 23 to 27 inclusive, for the fiscal years 1897 and 1898.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to transmit herewith for your consideration the appeals of Geo. D. Barnard & Co. and W. C. Orr from the action of the State Board of Examiners in disallowing their claims against the State.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Mr. Speaker and Gentlemen of the House of Representatives:

I herewith transmit for your consideration an estimate of the money needed for the equipment and maintenance of the State School of Mines for the fiscal years 1899 and 1900.

In several instances I have cut down the estimates for the salaries of instructors to correspond to the amount paid in other State institutions, and I have also reduced the amount estimated to be needed for equipment to such sums as in my opinion the financial condition of the State will warrant.

Very respectfully,

ROB'T B. SMITH,  
Governor.

The message of the Governor concerning Deficiency Bill No. 13, for the year 1895, and Deficiency Bills Nos. 23 to 27, inclusive, for the fiscal years 1897 and 1898, were referred to the Committee on Appropriations.

The message relating to the appeals of Geo. D. Barnard & Co. and W. C. Orr were referred to the Judiciary Committee.

The message submitting an estimate of the money needed for the equipment and maintenance of the State School of Mines for the fiscal years 1899 and 1900 was referred to the Committee on Mines and Mining.

The honorable the Senate entered the House, was received, and the Senate and House resolved themselves into a Joint Assembly, for the purpose of electing a United States Senator.

## JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 24th, 1899.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 m.

The Secretary of the Senate and Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House respectively, were found to be present.

A vote of the Senate was taken on United States Senator, which resulted as follows:

For W. A. Clark—Connolly, Cullen, Gruwell, Hannah, Hoffman, Mahan, Riddell, Tierney, Warner—9.

For W. G. Conrad—Anderson, Campbell, Courtney, Eggleston, Myers, Stanton—6.

For Cornelius Hedges—Hobson, McKay, Mitchell, Phillips, Worden—5.

For Martin Maginnis—Clark Norris, Whiteside—3.

For J. M. Fox—Bowlen—1.

The vote of the House was taken with the following result:

For W. A. Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Flinn, Gibson, Gillette, Hill, Hutchinson, Johnson, Kuphal, Lockhart, Losekamp, Luddy, Martin, Metlen, McLaughlin, McLeod, More, Parker, Phelps, Potting, Shovlin, Sweeney, Truscott, Walsh, Woods—29.

For W. G. Conrad—Bonner, Boylan, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Gallwey, Garr, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—25.

For Cornelius Hedges—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Martin Maginnis—Clifford, O'Brien, Paul, Sullivan—4.

For J. M. Fox—Swindlehurst—1.

Absent—Moran—1.

The Secretary of the Senate announced the vote of the Joint Session to be as follows:

For W. A. Clark .....	38
For W. G. Conrad .....	31
For Cornelius Hedges.....	15
For Martin Maginnis...	7
For J. M. Fox .....	2
Absent .....	1
Total .....	94

There being no choice, the President declared no election.

On motion of Senator Cullen, seconded by Senator Hannah, the Joint Session dissolved.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Hutchinson moved, seconded by Woods, that when the House adjourn it be until 10:30 a. m. to-morrow.

Carried.

Upon motion of Burke, seconded by Lewis, the House then adjourned.

C. R. CRAIG,

Chief Clerk.

## TWENTY-FOURTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 25th, 1899.

House met at 10:30 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PRESENTATION OF PETITIONS.

Phelps, of Lewis and Clarke, presented the petition of a number of citizens, requesting that the School of Osteopaths be permitted to practice in Montana. The petition was received and referred to the Committee on Judiciary.

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### NOTICES.

Notices of the introduction of bills were given as follows:

By Hedges:

Relating to State and county officers diverting State or county funds for any purpose other than that for which same are specifically appropriated.

By Bywater:

A bill for an act to amend an act entitled an act to add to Article II, Title VIII, Part III, of the Political Code of the State of Montana, two additional sections, which shall be designated and numbered 3520 and 3521, regulating the re-appraisalment of State lands, and providing for the purpose by the lessee of the State lands of the improvements placed thereupon by prior lessees, approved March 4th, 1897, and providing for the appraisalment of improvements on State lands in certain cases.

By Burke:

To amend Sections 773, 782 and 787 of the Political Code of the State of Montana, as the same now in force after amendment by an act entitled an act to amend Sections 770 and 782 inclusive, of Article IV, of Chapter VI, of Title III, of Part III, of the Political Code, relating to the election of

school trustees, and to amend said article by adding thereto six additional sections with reference to the election of school trustees, providing for registration in certain districts, and a compensation for school trustees in certain districts, and repealing all acts and parts of acts in conflict herewith. Approved March 6th, 1897, and to amend Sections 1793 and 1794 of the Political Code, relating to school trustees and officers.

By Long:

To prevent State and county officers from charging or receiving mileage or other compensation for travel over the lines of any railroad, railway, stage or other transportation company, in connection with the discharge of the duties of their respective offices, where any such officer travels upon a pass, or other evidence of free transportation issued to him by any of said companies.

By Long:

To require railroad, railways, stage and other transportation companies to file with the Secretary of State a list of the names of all State and county officers to whom passes or other evidence of free transportation are given, and providing penalty for failure to do so.

By Hedges:

Relating to State, county and municipal officers, accepting or receiving wrongful compensation from moneys or funds in their hands.

By Potting:

To extend and define the boundaries of Lewis and Clarke County, and to alter the boundaries of Deer Lodge County to conform thereto.

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#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Mr. Speaker:

Your Committee on Judiciary, having under consideration House Bill No. 38, entitled an act to amend Section 603 of the Political Code of the State of Montana, and relating to appeals from the decisions of the Board of Medical Examiners, introduced by Mr. Lewis, beg leave to recommend that said bill be printed.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

Your Committee on Townships and Counties, to whom were referred House Bill No. 47, relating to interest on county warrants, report that they have considered the same, and recommend that it be amended, and as amended that it do pass.

That they also considered House Bill No. 40, relating to the division of

counties into districts, and the election of commissioners from said districts, and recommend that it be referred to the Judiciary Committee.

WATSON,  
Chairman.

On motion of Crutchfield, duly seconded, the report of the Judiciary Committee on House Bill No. 38 was adopted and the bill ordered printed.

On motion of Lindsay, seconded by Hedges, House Bill No. 40 was re-referred to the Judiciary Committee.

House Bill No. 47 was ordered printed as amended.

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#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Bywater:

House Bill No. 53—A bill for an act to legalize the bonds of School District No. 5, of Flathead County, Montana, which said bonds were on May 7th, 1898, voted to be issued by the qualified electors of said district.

By Day:

House Bill No. 54—A bill for an act entitled an act to confer certain powers upon societies organized for the purpose of providing homes for homeless children, and upon county commissioners and justices of the peace in regard to the care of indigent children.

By Day:

House Bill No. 55—A bill for an act entitled an act to amend Section 2588 of the Civil Code, relating to interest on judgments.

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#### READING OF HOUSE BILLS.

House Bill No. 53 was read a first and second time and referred to the Committee on Education.

House Bills Nos. 54 and 55 were read a first and second time and referred to the Judiciary Committee.

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#### READING OF SENATE BILLS.

Senate Bill No. 5 was read a first and second time and referred to the Committee on Irrigation and Water Rights.

Senate Bill No. 9 was read a first and second time and referred to the Committee on Townships and Counties.

Senate Bill No. 11 was read a first and second time and referred to the Judiciary Committee.

Senate Bill No. 15 was read a first and second time and referred to Committee on Military Affairs.

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#### MESSAGES.

The following communication was received and read:

Helena, Montana, January 24th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced:

By Hoffman:

Senate Bill No. 41—A bill for an act to amend Sections 3161 and 3162, of Chapter IX, Title VII, of Part III, of the Political Code, relating to the recording of trade marks.

Notice of a bill to be introduced was given as follows:

By Clark:

A bill for an act appropriating to J. W. Ponsford ninety-six dollars and sixty cents (\$96.60) for expenses and mileage and services rendered the Senate in serving a process of the Senate in the matter of the contested election case of Geiger vs. Whiteside.

That Senate Bill No. 9 has passed the Senate and is herewith transmitted for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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#### CONSIDERATION OF GENERAL ORDERS.

House Bill No. 3 was called by Day and House Bill No. 20 was called by Stephens.

The House thereupon resolved itself into Committee of the Whole.  
Stephens in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Stephens, Chairman of the Committee of the Whole, asked further time to report. Granted.



## JOINT SESSION.

The honorable the Senate entered the House, was received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

## HALL OF THE HOUSE OF REPRESENTATIVES,

Helena, Montana, January 25th, 1899.

The members of the Senate and House of Representatives of the State of Montana were called to order in Joint Session by the President of the Senate at 12 m.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies and a quorum of the Senate and House, respectively, was found to be present.

Minutes of previous Joint Session read and approved.

A vote of the Senate was taken on United States Senator, which resulted as follows:

For W. A. Clark—Connolly, Cullen, Gruwell, Hannah, Hoffman, Mahan, Riddell, Tierney, Warner—9.

For W. G. Conrad—Anderson, Courtney, Eggleston, Myers, Stanton—5.

For G. H. Grubb—Hobson, McKay, Mitchell, Phillips, Worden—5.

For Martin Maginnis—Campbell, Clark, Norris, Whiteside—4.

For J. M. Fox—Bowlen—1.

The vote of the House was taken with the following result:

For W. A. Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Johnson, Kuphal, Lockhart, Losekamp, Luddy, Martin, Metlen, McLaughlin, McLeod, More, Parker, Phelps, Potting, Shovlin, Sweeney, Walsh, Woods—30.

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Gallwey, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murphy, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—25.

For G. H. Grubb—Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—9.

For Martin Maginnis—Clifford, O'Brien, Paul, Sullivan—4.

For J. M. Fox—Swindlehurst—1.

Absent—Beasley—1

The Secretary of the Senate announced the vote of the Joint Session to be as follows:

For W. A. Clark .....	39
For W. G. Conrad .....	30
For G. H. Grubb .....	14
For Martin Maginnis .....	8

For J. M. Fox .....	2
Absent .....	1
<hr/>	
Total .....	94

There being no choice, the President declared no election.

On motion of Senator Campbell, seconded by Senator Cullen, the Joint Session dissolved.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

On motion of Stone, seconded by Clifford, the House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

**TWENTY-FIFTH DAY.****HOUSE OF REPRESENTATIVES.**

Helena, Montana, January 26th, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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**PETITIONS.**

Ingersoll presented the petition of 68 citizens of Custer County to pass such legislation as will enable the County Commissioners of each county in the State to regulate the sale and to make a price on all the water coming from and controlled by irrigating ditches and companies, which was received, read and referred to the Committee on Irrigation and Water Rights.

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**NOTICES.**

Notices of the introduction of bills were given as follows:

By Judiciary Committee:

A bill for an act to amend Section 4450 of the Political Code of the State of Montana.

By Losekamp:

A bill for an act to establish county free high schools and to provide for their maintenance.

By Sweeney:

A bill for an act to amend Section 1732, Part III, Title III, Chapter VI, Article II, of the Political Code, relating to the duties of County Superintendents of Schools, and provide for the payment of the traveling expenses of that office.

By Garr, by request:

A bill for an act to license and regulate gambling games, and fixing penalties for the violation thereof.

## REPORTS OF STANDING COMMITTEES.

Reports of Standing Committees were received as follows:

Mr. Speaker:

We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. 1, report the same back with the recommendation that the House concur.

STAPLETON,  
Chairman.

Mr. Speaker:

We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 1, report the same back with the recommendation that further consideration be indefinitely postponed.

STAPLETON,  
Chairman.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 48, ask leave to report the same back to the House with the recommendation that it do pass.

TOOLE,  
Chairman.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 16 and 17, respectfully report the same back as properly printed.

NORMOYLE,  
Chairman.

Mr. Speaker:

We, your Committee on Mines and Mining, to whom was referred the Governor's estimate of the amount required for the maintenance and partial equipment of the School of Mines, for the years ending November 30th, 1899, and November 30th, 1900, having had the same under consideration, respectfully report the same back to the House with the recommendation that the appropriation therein asked for be allowed.

FINLEN,  
Chairman.

Mr. Speaker:

Your Committee on Privileges and Elections, to whom was referred substitute for Senate Bill No. 6, beg leave to report said bill back to the House and recommend that same do pass.

GALLWEY,  
Chairman.

Pursuant to recommendations of the several committees, substitute for Senate Bill No. 6 was referred to the Printing Committee.

Senate Joint Memorial No. 1 was placed upon the General Orders.

On the report of the Committee on Federal Relations, relative to House Joint Resolution No. 1, Day moved, seconded by Woods, the adoption of the report. Hedges moved, seconded by Long, in amendment that the resolution be printed.

Roll call. The amendment was lost by the following vote:

Ayes—Burke, Bywater, Finlen, Hedges, Jacqueth, Lindsay, Long, Magee, Marcyes, Normoyle, Parker, Sands, Toole—13.

Noes—Beasley, Bennett, Black, Bonner, Boylan, Conrow, Cooney, Crutchfield, Day, Eversole, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelley of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Losekamp, Luddy, Madden, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien Paul, Phelps, Potting, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—53.

Absent—Stone, Clifford, Fine—3.

The report was thereupon adopted.

The report of the Committee on Mines and Mining was referred to the Committee on Appropriations.

House Bill No. 58 was referred to the Printing Committee.

House Bills Nos. 16 and 17 and Senate Joint Memorial No. 1 were placed upon the General Orders.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Hedges:

House Bill No. 56—A bill for an act to prevent State and county officers from diverting or using State or county funds for any purpose whatever, other than that for which the same are specifically appropriated.

By Hedges:

House Bill No. 57—A bill for an act to prevent State, county and municipal officers from charging, accepting or receiving other than for the use and benefit of the State, county or other municipality, or fund, as the case may be, any interest or other compensation on moneys or funds in their hands by virtue of their respective offices.

By Long:

House Bill No. 58—A bill for an act to prevent State and county officers from charging or receiving mileage or other compensation for travel over the lines of any railroad, railway, stage or other transportation company, in the connection with the discharge of the duties of their respective offices,

where any such officer travels upon a pass or other evidence of free transportation issued to him by any of said companies.

By Long:

House Bill No. 59—A bill for an act to require railroad, railway, stage and other transportation companies to file with the Secretary of State a list of names of all State and county officers to whom passes or other evidences of free transportation are given, and provided penalty for failure so to do.

By Ingersoll:

House Bill No. 60—A bill for an act to regulate the mode of fixing the rates of compensation by boards of county commissioners for water, furnished and delivered for irrigation purposes from ditches, canals, conduits and reservoirs, and to repeal laws inconsistent therewith, and punish offences contrary thereto.

By Ingersoll:

House Bill No. 61—A bill for an act to fine, prohibit and restrain extortion and other abuses in the management of ditches, canals and reservoirs for irrigation purposes.

By Bennett:

House Bill No. 62—A bill for an act entitled an act to amend Section 4082, of the Political Code of the State of Montana, relating to licenses of builders and contractors.

By Burke:

House Bill No. 63—A bill for an act to amend Sections 1770, 1773, 1782 and 1787, of the Political Code of the State of Montana, as the same are now in force, after amendment by an act entitled an act to amend Section 1770, 1782, inclusive, of Article IV, of Chapter VI, of Title III, of Part III, of the Political Code, relating to the election of school trustees, and to amend said Article by adding thereto six additional sections, with reference to the election of school trustees, providing for registration in certain districts, and compensation for school trustees in certain districts, and repealing all acts and parts of acts in conflict herewith. Approved March 6th, 1897, and also to amend Sections 1793 and 1794 of said Political Code, relating to school officers.

By Hutchinson:

House Bill No. 64—An act providing for the granting of options by guardians upon minning claims, and for sale and conveyance of the same pursuant to terms thereof.

By Bywater:

House Bill No. 65—A bill for an act to amend an act entitled an act to add to Article II, of Title VIII, of Part III, of the Political Code of the State of Montana, two additional sections, which shall be designated and numbered Sections 3520 and 3521, regulating the re-appraisement of State lands, and providing for the purchase by lessee of State lands of the improvements

placed thereupon, by prior lessees, approved March 4th, 1897, and providing for the appraisement of State lands in certain places.

By Day:

House Bill No. 66—An act to be entitled an act to amend Section 985, Chapter IV, Title VII, of the Code of Civil Procedure of the State of Montana, relating to the levy of writs of attachment.

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#### READING OF HOUSE BILLS.

House Bill No. 56 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 57 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 58 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 59 was read a first and second time and referred to Committee on Railroads and Transportation.

House Bill No. 60 was read a first and second time and referred to Committee on Irrigation and Water Rights.

House Bill No. 61 was read a first and second time and referred to Committee on Irrigation and Water Rights.

House Bill No. 62 was read a first and second time and referred to Committee on Ways and Means.

House Bill No. 63 was read a first and second time and referred to Committee on Education.

House Bill No. 64 was read a first and second time and referred to Committee on Mines and Mining.

House Bill No. 65 was read a first and second time and referred to Committee on State Lands.

House Bill No. 66 was read a first and second time and referred to Committee on Judiciary.

Senate Bill No. 1 was read a first and second time and referred to Committee on Highways.

The honorable the Senate entered the House, were received, and the Senate and House resolved themselves into a Joint Assembly for the purpose of electing a United States Senator.

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#### JOINT SESSION.

HALL OF THE HOUSE OF REPRESENTATIVES,  
Helena, Montana, January 26th, 1899.

The members of the Senate and House of Representatives of the State

of Montana were called to order in Joint Session by the President of the Senate at 12 m.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively were found to be present.

Minutes of the previous Joint Session read and approved.

A vote of the Senate was taken on United States Senator, which resulted as follows:

For W. A. Clark—Connolly, Cullen, Gruwell, Hannah, Hoffman, Mahan, Riddeil, Tierney, Warner—9.

For W. G. Conrad—Anderson, Courtney, Eggleston, Myers, Stanton—5.

For G. H. Grubb—Hobson, McKay, Mitchell, Phillips, Worden—5.

For Martin Maginnis—Campbell, Clark, Norris, Whiteside—4.

For J. M. Fox—Bowlen—1.

The vote of the House was taken with the following result:

For W. A. Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Johnson, Kuphal, Lockhart, Losekamp, Luddy, Martin, Metlen, McLaughlin, McLeod, More, Parker, Phelps, Potting, Shovlin, Sweeney, Swindlehurst, Truscott, Walsh, Woods—31.

For W. G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Gallwey, Kelley of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—25.

For G. H. Grubb—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Martin Maginnis—Clifford, O'Brien, Paul, Sullivan—4.

The Secretary of the Senate announced the vote of the Joint Session to be as follows:

For W. A. Clark .....	40
For W. G. Conrad .....	30
For G. H. Grubb .....	15
For Martin Maginnis .....	8
For J. M. Fox .....	1
<hr/>	
Total .....	94

There being no choice, the President declared no election.

On motion of Senator Stanton, seconded by Senator Cullen, the Joint Session dissolved.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.



## MESSAGES FROM THE GOVERNOR.

The following message from his Excellency, the Governor, was received and read:

Helena, January 25th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

Under the present law the Capitol Building Commission can only expend \$300,000.00 in building and furnishing the State Capitol. In order to secure a fire proof building of sufficient size to accommodate the needs of the State, the commission was compelled to specify imitation marble for the wainscoting in the corridors and public halls and court rooms. We have felt and still feel that our State Capitol should have a better finish and trimming. We have, therefore, had our architects make an accurate itemized bill of the extra cost of putting Utah onyx in as wainscoting in the halls, corridors and other public rooms. The separate cost for each corridor, hall and room mentioned is specified in the accompanying list. The total cost for all halls, corridors and rooms where it is desirable to use onyx trimming is \$18,944.05. I would also suggest that there is no fund available sufficient to grade and beautify our Capitol grounds. The cost, according to the estimate of a competent engineer, is about \$12,000.00.

I trust you will see your way clear to provide a sufficient revenue and make an appropriation to meet these items. Otherwise our building will not present that splendid appearance and artistic finish which should mark the taste, culture and refinement of our people.

Very respectfully,

ROBT B. SMITH,  
Governor.

The message was referred to the Committee on Public Buildings and Grounds.

January 26th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

Some time since I called the attention of certain of your members to the fact that a steam heating plant would be required in the Reform School at Miles City, and a similar plant at the Orphans' Home at Twin Bridges. I transmit herewith a letter from Judge H. C. Smith, bearing upon the Reform School and its needs, which emphasizes what I have said.

Very respectfully,

ROBT B. SMITH,  
Governor.

The message and accompanying papers were referred to the Committee on State Institutions, Public Buildings and Grounds.

## COMMUNICATIONS FROM THE SENATE.

Helena, Montana, January 25th, 1899.

**Mr. Speaker:**

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Hoffman, without previous notice:

Senate Bill No. 42—A bill for an act to amend Section 702, of Title X, of the Penal Code of the State of Montana, relating to the adulteration of candy.

By Committee on Education.

Senate Bill No. 43—A bill for an act to amend Sections 1743, 1756, 1772 and Subdivision 13, of Section 1797; also Sections 1903, 1910, 1913, 2000 and 2001, all of Part III, Title III, Chapter VI, of the Political Code, relating to public schools.

By Committee on Elections and Privileges:

Senate Bill No. 44—A bill for an act appropriating to Michael Therriault the sum of one hundred and twenty-two dollars and twenty cents for expenses incurred by him in attending upon the State Senate of Montana, with ballot boxes, ballots and election returns of Flathead County, Montana, in the contested election case of John H. Gelger against Fred Whiteside.

Notices of bills to be introduced were given as follows:

By Hobson:

A bill for an act to amend Section 2990, Article IV, Chapter V, of Title VII, Part III, of the Political Code, relating to the tax levy for stock inspection.

By Hannah:

A bill for an act to amend Section 4233, Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to county printing, and to provide for a reduction of the cost of the same.

Also, That Senate Bill No. 1 has passed the Senate, with the title amended by substituting the following: A bill for an act to repeal an act of the Session Laws of 1897, approved March 4th, 1897, entitled "An act to define the powers and duties of County Surveyors, and to provide for their compensation and to abolish the office of Road Supervisor, and the same has been transmitted to Chief Clerk.

Your concurrence is requested.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

## REPORTS OF STANDING COMMITTEES.

Helena, Montana, January 26, 1899.

The Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

That having considered House Bill No. 3, relating to limitations on actions recommend that the same do pass.

Also that having considered House Bill No. 20, relating to interest on moneys when due, have amended the same and that as amended the same do pass.

STEPHENS,

Chairman.

On motion of Truscott duly seconded the report of the committee was adopted and the bills ordered engrossed.

On motion of Woods, seconded by Shovlin, the House adjourned.

C. R. CRAIG,

Chief Clerk.

## TWENTY-SIXTH DAY.

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House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the 25th day was read and approved.

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### NOTICES.

Notices of the Introduction of Bills were given as follows:

By Kuphal:

A Bill for an act to repeal an act, approved March 16, 1895, whose provisions constitute Section 4060 of Article II, Chapter XIII, and Title X, Part III, of the Political Code of the State of Montana. Also a bill for an act to amend Section 3614, Chapter I, Title IX, of the Political Code of the State of Montana, relating to the filing of affidavit showing how the annual work and improvements on mining claims has been done as required by the laws of the United States.

By Burke:

A Bill for an Act to amend Section 112, 150, and 152 of the Political Code of the State of Montana.

By Sullivan:

A Bill for an Act to amend Section 112, 150 and 152 of the Political Code of the State of Montana.

By Swindlehurst:

A Bill for an Act requiring Accident Insurance Company, Association and Society doing business in the State of Montana, to have a paid up capital.

By Bennett:

A Bill for an Act entitled an Act to provide for the forfeiture of land held by foreign corporations contrary to law.

By Stone:

A Bill for an act to amend Sections 112, 150 and 152 of the Political Code of the State of Montana.

## REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills 7, 12, 37, respectfully report the same back as properly printed.

NORMOYLE,  
Chairman.

House Bills Nos. 7, 12 and 37, were placed upon the General Orders.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 41, introduced by Hedges, entitled A Bill for an Act entitled an Act to provide for the registration of land titles in the State of Montana, and to simplify and facilitate the transfer of real estate, beg leave to report and recommend that it be indefinitely postponed. We make this recommendation for the reason that the subject embraced in said bill is of such vital and great importance, that it will be, in our opinion, impossible at the present time and under the existing circumstances to give the same that due deliberation and consideration that this bill deserves.

CRUTCHFIELD,  
Chairman.

On motion of Woods seconded by Kuphal, the report was adopted and House Bill No. 4 was indefinitely postponed.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 1, introduced by Shovlin, entitled A Bill for an Act to amend Section 562, of the Code of Civil Procedure of Montana, beg leave to recommend that the same be printed.

• CRUTCHFIELD,  
Chairman.

House Bill No. 1 was referred to the Printing Committee.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 39, introduced by Normoyle, entitled A Bill for an Act to amend Section 4636, and to repeal Section 4613 in Chapter IV, of Title II, of Part IV, of the Political Code of the State of Montana, relating to the salaries and fees of officers, particularly to the fees of the clerk of the district court, beg leave to recommend that the consideration of the same be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

On motion of Lamb duly seconded the report was adopted and House Bill No. 39 was indefinitely postponed.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration House Bill No. 36, introduced by Cooney, entitled A Bill for an Act in relation to bonds, and to giving and guaranteeing of judicial, official and other bonds by surety companies, and to provide for the license, management and control of surety companies doing business in the State of Montana, and to amend Sections 1053, 1057, 1058, 1069, 1067, 1073 and 1084, of the Political Code of the State of Montana, relating to bonds of officers and others, and to add to Article IX, nine new sections, to be numbered consecutively Sections 1091 and 1099, of the Political Code, and to relate to official judicial and other bonds; and to repeal all laws in conflict herewith, beg leave to report that its consideration be indefinitely postponed, and further that we herewith submit and beg leave to introduce two bills covering subjects embraced in House Bill No. 36, and recommend that said substitutes be printed.

CRUTCHFIELD,

Chairman.

The report of the committee was on motion duly seconded, adopted and House Bill No. 30 was indefinitely postponed.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 11, introduced by Clark, entitled A Bill for an Act to amend Section 633, of the Code of Civil Procedure, of the State of Montana, beg leave to report that we recommend the House do not concur in the passage of said bill.

CRUTCHFIELD,

Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 8, introduced by Norris, entitled A Bill for an Act to amend Section 3869, of Chapter II, Title XIV, Part IV, Division III of the Civil Code of Montana, relating to chattel mortgages, and the taking of mortgaged personal property on attachment or execution, beg leave to recommend that the House do not concur in the passage of said bill.

CRUTCHFIELD,

Chairman.

On motion duly seconded the reports of the Judiciary Committee relative to Senate Bills Nos. 8 and 11 were adopted and the Bills were placed on the General Orders.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 42, introduced by C. F. Kelley, entitled A Bill for an Act to amend Section 1688, Chapter XII, Title XI, of the Code of Civil Procedure, relating to the appointment of special constables, beg leave to report that said bill be amended by striking out Section II thereof, and that the same as amended be printed and do pass.

CRUTCHFIELD,

Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 51, introduced by Beasley, entitled A Bill for an Act to amend Section 3935 of the Civil Code of the State of Montana, beg leave to report that said bill be amended so that to the title shall be added the words "Relating to liens for services," and that as so amended the bill be printed.

CRUTCHFIELD,

Chairman.

On motion the reports were adopted and House Bills Nos. 42 and 51 were ordered printed as amended.

Helena, Montana, January 27, 1899.

Mr. Speaker:

Your Committee on Engrossment to whom was referred House Bill No. 20 and House Bill No. 3 respectfully report the same back as correctly engrossed.

COONEY,

Chairman.

House Bills Nos. 3 and 30 were placed upon their third reading.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred appeal of Dr. W. C. Orr from the State Board of Examiners, respectfully report the same back with recommendation that the appeal be sustained and that an appropriation covering the amount in question be made.

PAUL,

Chairman.

The report of the Committee was adopted.

Mr. Speaker:

Your Committee on Appropriations to whom was referred the appeal of Geo. D. Barnard & Co., from the State Board of Examiners respectfully report the same back with the recommendation that the same be not sustained in accordance with the provisions of Section 533, Article 33 of the Political Code.

PAUL,

Chairman.

The report of the Committee was adopted and the further consideration of the claim indefinitely postponed.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was referred House Bill No. 19, report the same back with the recommendation that it be indefinitely postponed.

WOODS,  
Chairman.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was referred House Bill No. 31, report the same back with the recommendation that it be indefinitely postponed.

WOODS,  
Chairman.

The reports of the Committee were adopted and House Bills Nos. 19 and 31 were indefinitely postponed.

Mr. Speaker:

Your Committee on State Boards and Officers to whom was referred the estimates submitted by the different state officers in regard to the appropriations necessary to meet the expenses of their several departments for the ensuing two years, respectfully report the same back with the recommendation that the same be referred to the Committee on Appropriations, and by them allowed.

C. W. KELLEY,  
Chairman.

The report of the Committee was so referred.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 43, entitled an Act to provide an assistant for the Register of the State Land Office; to fix the salary thereof and designate the fund from which he shall be paid, respectfully report the same back with the recommendation that it do pass.

C. F. KELLEY,  
Chairman.

House Bill No. 43, was referred to the Committee on Printing.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, having had under consideration Senate Bill No. 5, recommend that the same do pass.

WILSON,  
Chairman.



The report of the Committee was adopted and Senate Bill No. 5 was placed on the General Orders.

**Mr. Speaker:**

Your Committee on Engrossment, respectfully ask authority to employ a clerk, to be at the service of the Chief Clerk when not in the employ of the committee, and should such authority be granted, would name Miss Fannie Bowie as such clerk.

COONEY,  
Chairman.

Moved by Hedges, seconded by Garr, that the request be granted. Day objected on the grounds that it was contrary to the statute to allow any additional assistance to the Engrossing Committee during the first thirty days of the session.

Hedges withdrew his motion.

On motion of Lamb seconded by Burke the request was laid upon the table.

The following communication was received and read:

Helena, Montana, January 25, 1899.

**Mr. Speaker:**

Whereas, we the following committees, have certain Bills before us for consideration, and are unable to do the business without a clerk, and,

Whereas, the loan of a clerk for a while from the Chief Clerk will not be of sufficient assistance owing to the accumulation of work,

We, therefore, ask that we be allowed to appoint a clerk for the use of the following committees:

C. W. KELLEY,  
Chairman Committee on State Boards and Officers.

H. W. McLAUGHLIN,  
Chairman Committee on Internal Improvements.

E. H. WILSON,  
Chairman Committee on Irrigation and Water Rights.

JOHN D. LOSEKAMP,  
Chairman Committee on Immigration.

P. W. MURRAY,  
Chairman Committee on Labor.

Kelley of Silver Bow, moved that the request be granted, the motion was put and the Speaker announced that the motion was carried. Division was called for and the vote resulted as follows: Thirty-five voting in the affirmative and twenty-six in the negative and the request was granted.

## INTRODUCTION OF BILLS.

The following bills were introduced:

By Sweeney:

House Bill No. 67, A bill for an act to amend Section 1732, Part III, Title III, Chapter VI, Article II, of the Political Code, relating to the duty of County Superintendent of Schools, and providing for the payment of the traveling expenses of that officer.

By Garr:

House Bill No. 68, A Bill for an Act to license and regulate certain gambling games, and fixing penalty for the violation thereof.

By Losekamp:

House Bill No. 69, A Bill for an Act to establish County Free High Schools, and to provide for their maintenance.

By Crutchfield:

House Bill No. 70, A Bill for an Act authorizing the regulating and incorporation of sole corporations and defining their powers.

By Judiciary Committee:

House Bill No. 71, A Bill for an Act to amend Section 4450 of the Political Code of the State of Montana.

By Judiciary Committee:

Substitute No. 1 for House Bill No. 36, A Bill for an Act to permit foreign surety companies to do business in this state, and regulating the method thereof.

By Judiciary Committee:

Substitute No. 2 for House Bill No. 36, A Bill for an Act to amend Sections 1053, 1057, 1058, 1059, 1073 and 1084 in Article IX, of Chapter VII, of Title I, Part III, of the Political Code of the State of Montana, relating to bonds of office and other bonds.

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FIRST READING OF HOUSE BILLS.

Substitute No. 1 and Substitute No. 2 for House Bill No. 36, were on motion of Day under a suspension of the rules, read a first and second time by title only and referred to the Printing Committee.

House Bill No. 67 was read first and second time and referred to Committee on Education.

House Bill No. 68 was read first and second time and referred to Committee on Ways and Means.

House Bill No. 69 was read first and second time and referred to Committee on Education.

House Bill No. 70, was read first and second time and referred to Committee on Incorporation and Manufacturing.

House Bill No. 71 was read first and second time and on motion of Day was referred to the Printing Committee.

Senate Bill No. 23 was read a first and second time and referred to the Committee on Townships and Counties.

### THIRD READING OF HOUSE BILLS.

House Bill No. 20 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Burke, Bywater, Conrow, Cooney, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly, of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekmap, Madden, Magee, Marcyes, Matts, McLaughlin, McLeod, Metlen, Moran, More, O'Brien, Parker, Paul, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—57.

Noes—Stapleton.

Absent—Black, Bonner, Boylan, Clifford, Crutchfield, Fine, Lamb, Luddy Martin, Murray, Normoyle, Phelps—12.

Title agreed to.

House Bill No. 3 was read a third time and passed.

Title agreed to as amended on Day's motion by adding thereto the words: "Relating to the Statute of Limitations," by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—68.

Noes—Clifford and Luddy—2.

## CONSIDERATION OF GENERAL ORDERS.

Under this order Day called for H. J. M. No. 1, and Stephens for House Bills Nos. 28, 29 and 30.

The Honorable, the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

## JOINT SESSION.

## HOUSE OF REPRESENTATIVES,

Helena, Montana, January 27, 1899.

The Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session read and approved.

A vote of the Senate was taken on United States Senator, which resulted as follows:

For Clark—Connolly, Cullen, Gruwell, Hannah, Hoffman, Mahan, Riddell, Tierney, Warner—9.

For Conrad—Anderson, Courtney, Eggleston, Myers, Stanton—5.

For Leonard—Geiger, Hobson, McKay, Mitchell, Phillips, Worden—6.

For Maginnis—Clark, Worden—2.

For Fox—Bowlen, Campbell—2.

The vote of the House was taken, with the following result:

For Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Johnson, Kuphal, Lockhart, Losekamp, Luddy, Martin, Metlen, McLaughlin, McLéod, More, Parker, Phelps, Potting, Shovlin, Sweeney, Swindlehurst, Truscott, Walsh, Woods—33.

For Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Gallewy, Kelly of Cascade, Kelley of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Warren, Watson, Wilson, Mr. Speaker—24.

For Leonard—Beasley, Bywater, Hedges, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

For Maginnis—Clifford, O'Brien, Paul, Sullivan—4.

For Fox—Toole—1.

The Secretary of the Senate announced the vote of the joint session to be as follows:

For W. A. Clark .....	40
W. G. Conrad .....	29
C. R. Leonard (rep).....	16
Martin Maginnis.....	6
J. M. Fox.....	3
<hr/>	
Total.....	94

There being no choice, the President declared no election.

On motion of Senator Phelps duly seconded, the joint session dissolved.  
House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Day, seconded by Stephens moved that the House do now adjourn.  
Lindsay moved in amendment a recess to 3 P. M. Amendment lost. Motion carried and House adjourned.

C. R. CRAIG,  
Chief Clerk.

## TWENTY-SEVENTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 28, 1899.

House met pursuant to adjournment at 10 A. M.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the 26th day was read and approved.

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### NOTICES.

Notices of the introduction of bills were given as follows:

By Losekamp:

A Bill for an Act to regulate the time of continuous service of certain employees on railroads and providing a penalty for violation of the provisions of this Act.

By Phelps:

A Bill for an Act to authorize the appointment of a Commissioner for the Measurement and Division of Water under Decrees of Court in certain cases.

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### REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Committees on Irrigation and Water Rights, State Boards and Officers; Internal Improvements, Immigration and Labor, yesterday selected

Miss Anna Kelly for clerk of said committees in accordance with the authority granted them by the House.

E. H. WILSON,  
Chairman, Committee on Irrigation and Water Rights.

C. F. KELLEY,  
Chairman, Committee on State Boards and Officers.

H. W. McLAUGHLIN,  
Chairman, Committee on Internal Improvements.

JOHN D. LOSEKAMP,  
Chairman, Committee on Immigration.

P. W. MURRAY,  
Chairman, Committee on Labor.

On motion duly seconded the report was adopted.

Mr. Speaker:

Your Committee on Engrossment, respectfully ask authority of the House to employ a clerk for the use of the Committee, said clerk's employment to date from January 31st, 1899.

COONEY,  
Chairman.

On motion of Stone, seconded by Hutchinson, the request was granted.

Helena, Montana, January 28th, 1899.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred deficiency bills numbered 23 to 27 inclusive for the fiscal years 1897 and 1898, respectfully report the same back with the recommendation that appropriations be made for the same.

PAUL,  
Chairman.

The report was received and referred back to the Committee.

Mr. Speaker:

Your Committee on Privileges and Elections to whom was referred House Bill No. 50, respectfully report the same back without recommendation.

GALLWEY,  
Chairman.

On motion of Paul, seconded by Woods the report of the committee was adopted and House Bill No. 50 was ordered printed.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was re-

ferred House Bill No. 33, return the same with a substitute to House Bill No. 33, and recommend that the same be passed.

WOODS,

Chairman.

On motion of Phelps, seconded by Lindsay the report was adopted and Substitute for House Bill No. 33 was ordered printed.

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills 13, 15, 22, 25, 34 and 47 respectfully report the same back as properly printed.

NORMOYLE,

Chairman.

House Bills Nos. 13, 15, 22, 25, 34 and 47 were placed upon the General Orders.

Mr. Speaker:

Your Committee on Education having duly considered House Bill No. 26, entitled "A Bill for an Act to authorize the State Board of Education to appoint an Institute Instructor to designate his qualifications and to define his duties and providing for his compensation.

Also H. B. No. 67 introduced by Sweeney entitled A Bill for an Act to amend Section 1732, Part III Title III Chapter VI Article II of the Political Code relating to the duties of County Superintendent of Schools and providing for the payment of the traveling expenses of that officer," report the same back with the recommendation that they be indefinitely postponed.

STONE,

Chairman.

The report of the committee was adopted and House Bills Nos. 26 and 67 were indefinitely postponed.

Mr. Speaker:

Your Committee on Education, having duly considered House Bill No. 63, introduced by Burke, entitled, "A Bill for an Act to amend Sections 1770, 1773, 1782, and 1787 of the Political Code of the State of Montana, as the same are now in force after amendment by an Act entitled 'An Act to amend Sections 1770 and 1782 inclusive of Article IV, of Chapter VI, of Title III, of Part III, of the Political Code relating to the Election of School Trustees, and to amend said Article by adding thereto six additional Sections with reference to the election of School Trustees, providing for registration in certain districts and a compensation for school trustees in certain districts and repealing all acts and parts of acts in conflict herewith, approved March 6th, 1897, and to amend Sections 1793 and 1794 of the Political Code relating to school trustees and officers," report the same back with the recommendation that it do pass.

STONE,

Chairman.



The report of the committee was adopted and House Bill No. 63 was ordered printed.

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### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Kuphal:

House Bill No. 72. An Act to repeal an Act approved March 16th, 1895, whose provisions constitute Section 4061 of Article II, Chapter 13, Title X, Part III, of the Political Code of the State of Montana.

By Swindlehurst:

House Bill No. 73. A Bill for an Act requiring Life, Accident Insurance Companies, Associations and Societies doing business in the State of Montana to have a paid up capital.

By Burke:

House Bill No. 74. A Bill for an Act entitled, "An Act to amend Sections 112, 150 and 152 of the Political Code of Montana."

By Sullivan:

House Bill No. 75. A Bill for an Act entitled "An Act to amend Sections 112, 150 and 152 of the Political Code of Montana."

By Stone:

House Bill No. 76. A Bill for an Act entitled "An Act to amend Sections 112, 150 and 152 of the Political Code of Montana."

By Bennett:

House Bill No. 77. A Bill for an Act entitled, "An Act to provide for the forfeiture of lands held by foreign corporations, contrary to law."

By Potting:

House Bill No. 78. A Bill for an Act to extend and define the boundaries of Lewis and Clarke County, and to alter the boundaries of Deer Lodge County to conform thereto.

By Committee on Agriculture and Stockgrowing:

Substitute for House Bill No. 33. A Bill for an Act to amend Sections 3070, 3071, 3072, 3076 and 3079 of Article VIII, Chapter V, Title VII of Part III, of the Political Code relating to the payment of bounty on wild animals.

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### READING OF HOUSE BILLS.

House Bill No. 72 was read first and second time and referred to Judiciary Committee.

House Bill No. 73 was read first and second time and referred to Ways and Means.

House Bill No. 74 was read first and second time and referred to Committee on Apportionment and Representation.

House Bill No. 75 was read first and second time and referred to Committee and Apportionment and Representation.

House Bill No. 76 was read a first and second time and referred to Committee on Apportionment and Representation.

House Bill No. 77 was read first and second time and referred to Committee on Judiciary.

House Bill No. 78 was read first and second time and referred to Committee on Townships and Counties.

Substitute for House Bill No. 33 was read first and second time and referred to Printing Committee.

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#### READING OF SENATE BILLS.

Senate Bill No. 24 was read first and second time and referred to Committee on Townships and Counties.

Senate Bill No. 52 was read first and second time and referred to Committee on Judiciary.

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#### CONSIDERATION OF GENERAL ORDERS.

On motion of Stephens seconded by Lindsay the House resolved itself into Committee of the Whole for the consideration of House Bills Nos. 16, 17 and Senate Bill No. 5.

Lindsay in the chair.

House resumed.

Mr. Speaker in the Chair.

The honorable the Senate entered the House, were received and the Senate and House resolved themselves into a joint assembly for the purpose of electing a United States Senator.

#### JOINT SESSION.

Hall of the House of Representatives,

Helena, Montana, January 28th, 1899.

The Members of the Senate and House of Representatives of the State of Montana were called to order in joint session by the President of the Senate at 12 M.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies, and a quorum of the Senate and House respectively, were found to be present.

Minutes of the previous joint session were read and approved.

A vote of the Senate was taken on United States Senator, which resulted as follows:

For Clark—Bowlen, Connolly, Cullen, Gruwell, Hannah, Hoffman, Mahon, Riddell, Tierney, Warner—10.

For Conrad—Anderson, Courtney, Eggleston, Myers, Stanton—5.

For Maginnis—Clark, Norris—2.

For Leonard—Hobson, McKay, Mitchell, Phillips, Geiger, Worden—6.

For Fox—Campbell—1.

The vote of the House was taken, with the following result:

For Clark—Bennett, Black, Conrow, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Johnson, Kuphal, Lockhart, Losekamp, Luddy, Martin, McLaughlin, McLeod, Metlen, More, Parker, Phelps, Potting, Shovlin, Sweeney, Swindlehurst, Truscott, Walsh, Woods—31.

For Conrad—Bonner, Boylan, Burke, Cooney, Crutchfield, Finlen, Fitzpatrick, Gallwey, Kelly, of Cascade, Kelly of Silver Bow, Lamb, Lewis, Madden, Matts, Moran, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—25.

For Leonard—Beasley, Bywater, Ingersoll, Hedges, Jacqueth, Lindsay, Long, Marcyes, Magee—9.

For Maginnis—Clifford, O'Brien, Paul, Sullivan—4.

Absent Sands—1.

The Secretary of the Senate announced the vote of the joint session to be as follows:

W. A. Clark.....	41
W. G. Conrad .....	30
C. L. Leonard.....	15
Martin Maginnis....	6
J. M. Fox.....	1
Absent .....	1
Total.. .....	94

There being no choice, the President declared no election.

Moved by Day, seconded by Hoffman, that the Joint Assembly proceed to ballot again.

Senator Stanton seconded by Representative Normoyle, moved as a substitute that the Joint Assembly now dissolve and the Senate withdraw from the hall of the House. The ayes and noes were called and the substitute was lost by the following vote:

**Ayes**—Senators Anderson, Campbell, Clark, Courtney, Eggleston, McKay, Myers, Norris, Stanton, Worden; Representatives Bonner, Boylen, Burke, Clifford, Cooney, Crutchfield, Finlen, Fitzpatrick, Gallwey, Hedges, Kelly of Cascade, Kelley of Silver Bow, Lamb, Lewis, Lindsay, Madden, Matts, Murray, Normoyle, O'Brien, Stapleton, Stephens, Stone, Sullivan, Sweeney, Toole, Warren, Watson, Wilson, Mr. Speaker—40.

**Noes**—Senators Bowlen, Connolly, Cullen, Geiger, Gruwell, Hannah, Hobson, Hoffman, Mahon, Mitchell, Phillips, Riddell, Tierney, Warner; Representatives Beasley, Bennett, Black, Bywater, Conrow, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Metlen, More, McLaughlin, McLeod, Parker, Paul, Phelps, Potting, Shovlin, Swindlehurst, Truscott, Walsh, Woods—53.

The vote upon the original motion as made by Day being taken was carried and the Joint Session proceeded to ballot a second time with the following result.

The Secretary called the roll of the Senate and the vote was as follows:

For William A Clark, of Butte—Bowlen, Connolly, Cullen, Geiger, Gruwell, **Hannah**, Hobson, Hoffman, Mahon, Mitchell, Phillips, Riddell, Tierney, Warner—14.

For William G. Conrad—Anderson, Eggleston, Myers, Stanton—4.

For Martin Maginnis—Campbell, Clark, Courtney, Norris—4.

For Thomas C. Marshall—McKay, Worden—2.

The Chief Clerk called the roll of the House and the vote resulted as follows:

For William A. Clark, of Butte—Beasley, Bennett, Black, Bywater, Conrow, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Metlen, Moran, More, McLaughlin, McLeod, Parker, Paul, Phelps, Potting, Shovlin, Sweeney, Swindlehurst, Truscott, Walsh, Woods—40.

For William G. Conrad—Bonner, Boylen, Burke, Cooney, Crutchfield, Fitzpatrick, Gallwey, Kelly, of Cascade, Kelley, of Silver Bow, Lamb, Lewis, Madden, Matts, Murray, Normoyle, Stapleton, Stephens, Stone, Toole, Warren, Watson, Wilson, Mr. Speaker—23.

For Martin Maginnis—Clifford, O'Brien, Sullivan—3.

For Thomas C. Marshall—Hedges, Lindsay—2.

For W. A. Clarke, of Madison County—Finlen—1.

Absent—Sands—1.

The Secretary of the Senate thereupon announced the following as the result of the vote of the Joint Assembly:

For W. A. Clark, of Butte.....	54
For W. G. Conrad.....	27
For Martin Maginnis.....	7
For Thomas C. Marshall .....	4
For W. A. Clark, of Madison.....	1
Absent.....	1
<hr/>	
Total.....	94

The President announced to the Joint Assembly as follows:

Members of this Joint Assembly, a majority of you, comprising a majority of all the members elected to each House, having voted for Wm. A. Clark of Silver Bow, I now declare the result of your ballot to be the election of W. A. Clark of Silver Bow, as Senator in the Congress of the United State from the State of Montana for the term of six years, commencing the 4th day of March, 1899, and ending the 3rd day of March, 1905.

The Chief Clerk of the House will notify the Executive of this State that this Joint Assembly have elected a Senator to the Congress of the United States.

It was moved by Senator Cullen, seconded by Senator Hannah that the Joint Assembly do now dissolve and the Senate retire from the hall of the House.

Motion carried, and the Senate withdrew.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

On motion of Normoyle duly seconded, the House adjourned until 2 p. m. Tuesday, January 31st.

Woods asked to be excused from attendance until Thursday, on account of sickness, request granted and Mr. Woods excused.

C. R. CRAIG,  
Chief Clerk.

## THIRTIETH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, January 31st, 1899.

House met pursuant to adjournment at 2 p. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of the 28th day read and approved.

On motion duly seconded, Burke, Gallwey and Truscott were excused on account of sickness.

The following communication was received and read:

Montana Club,

Helena, Montana, January 28, 1899.

Mr. Speaker:

Mr. Beasley is quite ill and unable to attend his duties. It is necessary that he be excused for at least a week or ten days, that he may recuperate.

Yours Respectfully,

WM. C. RIDDELL, M. D.

There being no objection Mr. Beasley was excused for ten days.

Notices of introduction of Bills were given as follows:

By Marcyes:

A Bill for an act to create the County of Rosebud, define the boundaries thereof, and provide for its organizations.

By Sands:

A Bill entitled an Act to revise and establish a uniform road law in this State.

By Lamb:

A Bill for an Act to repeal Section 494, of the Code of Civil Procedure, prescribing a limitation of one year for actions for the recovery of placer mining claims.

By Hedges:

A Bill for an Act entitled an Act to repeal certain laws relating to delinquent taxes, and providing for the sale of delinquent property to the State, on the line of what is known as the California system.

By Losekamp:

A Bill for an Act entitled an Act to amend Article II, Title XIII, Part III of the Political Code of the State of Montana, creating the State Arid Land Grant Commission, and defining its powers and duties, and all acts and parts of acts amendatory thereof, by providing for the purchase and reclamation of certain lands situated in the County of Yellowstone and State of Montana, by the issue of bonds, and adding thereto the following.

By McLeod:

A Bill for an Act entitled an Act to create the office of Chaplain of the State Penitentiary, providing for the appointment of the same and defining the duties and compensation thereof.

By Day:

A Bill for an Act entitled an Act relating to garnishment of Public Officials, and to amend Section 925, Code of Civil Procedure.

By Day:

A Bill for an Act entitled an Act to more fully provide for the protection of human life and property by reason of the defective construction or maintenance of dams and reservoirs and to add several sections to Chapter 24 of Political Code.

Helena, Montana, January 31, 1899.

Mr. Speaker:

Your Committee on Engrossment report that Miss Fannie Bowie has been chosen as clerk of said committee, in accordance with authority granted by the House.

COONEY,  
Chairman.

The report of the committee was adopted.

Helena, Montana, January 31st, 1899.

Mr. Speaker:

Your Committee on Irrigation and Water Rights having under consideration House Bill No. 61, entitled "A Bill for an Act to define, prohibit and restrain extortion and other abuses in the management of ditches, canals and reservoirs for irrigations purposes." And also,

House Bill No. 60, entitled "A Bill for an Act to regulate the mode of fixing the rates of compensation by Boards of County Commissioners, for water furnished and delivered for irrigation purposes, from ditches, canals, conducts and reservoirs; and to repeal laws inconsistent therewith, and punish offenses contrary thereto," beg leave to report that they recommend that said bill be printed and when printed that same do pass.

WILSON,  
Chairman.

The report of the committee was adopted and House Bills Nos. 61 and 60 were ordered printed.

Helena, Montana, January 31, 1899.

Mr. Speaker:

Your Committee on Printing to whom was referred Substitutes 1 and 2 for House Bill No. 36 and House Bills Nos. 8, 42, 43, 48, 51 and 71, respectfully report the same back as properly printed.

NORMOYLE,  
Chairman.

Substitute Nos. 1 and 2 for House Bill No. 36 and House Bills Nos. 8, 42, 43, 48, 51 and 71 were placed upon the General Orders.

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### INTRODUCTION OF BILLS.

The following bills were introduced:

By Committee on Appropriations:

House Bill No. 9, An Act appropriating money for the payment of claims of certain persons and companies for services rendered to and supplies furnished for the State Penitentiary in the year 1898. (\$18,126.93.)

By Committee on Appropriations:

House Bill No. 80, An Act appropriating money for the relief of Mitchell and Mussigbrod for the care and keeping of the insane in the year 1898 (\$8,478.95.)

By Committee on Appropriations:

House Bill No. 81, An Act appropriating money for the payment of the claims of certain persons for expenses incurred in transporting prisoners to the Penitentiary, during the years 1895, 1896, 1897 and 1898.

By Committee on Appropriations:

House Bill No. 82, An Act appropriating money for the payment of the claims of certain persons, account requisitions, during the years 1896 and 1898.

By Committee on Appropriations:

House Bill No. 83, An Act appropriating money for the payment of claim of Deer Lodge County, Montana, account Court costs in trials of escaped Prisoners in the year 1898. (\$555.65.)

By Committee on Appropriations:

House Bill No. 84, An Act appropriating money for the payment of claims of certain counties and persons account refunded taxes in the years 1895, 1896 and 1897.

By Committee on Appropriations:

House Bill No. 85, An Act appropriating money for the payment of claim of the Home Building and Loan Association, account costs in case of Home Building and Loan Association vs. State of Montana.



**By Committee on Appropriations:**

House Bill No. 86, An Act appropriating money for the relief of certain persons, companies and corporations for furnishing supplies and services rendered to the State Reform School in the years 1896, 1897 and 1898.

**By Committee on Appropriations:**

House Bill No. 87, An Act appropriating money for the payment of claims of certain persons, account State Boiler Inspector in the year 1898.

**By Committee on Appropriations:**

House Bill No. 88, An Act appropriating money for the payment of the claim of certain persons account expense incurred for the Soldiers Home in the year 1896.

**By Committee on Appropriations:**

House Bill No. 89, An Act appropriating money for the payment of claims of a certain person, account expense State Officers in the year 1896.

**By Committee on Appropriations:**

House Bill No. 90, An Act appropriating money for the payment of claim of J. H. Lander, account Reward for the Apprehension of George Trotter, 1895. (\$100.00.)

**By Committee on Appropriations:**

House Bill No. 91, An Act appropriating money for the payment of claims of certain persons, companies and corporations for expenses incurred in the maintenance of the Orphans Home in the years 1896 and 1898.

**By Committee on Appropriations:**

House Bill No. 92, An Act appropriating money for the payment of claims of certain persons, for expenses incurred in the maintenance of the Deaf and Dumb Asylum in the year 1896.

**By Committee on Appropriations:**

House Bill No. 93, An Act appropriating money for the payment of claims of certain persons, companies and corporations for services rendered and supplies furnished the Normal school in the year 1898.

**By Committee on Appropriations:**

House Bill No. 94, An Act appropriating money for the payment of the claim of S. M. Emery, account expenses and services rendered for the Experimental Station in the year 1898.

**By Committee on Appropriations:**

House Bill No. 95, An Act appropriating money for the payment of the claims of certain persons for sundry expenses of the State Board of Charities and Reform during the years 1897 and 1898.

**By Committee on Appropriations:**

House Bill No. 96, An Act appropriating money for the payment of the claim of the Union Pacific Ry. Co., account National Guard in the year 1896.

By Committee on Appropriations:

House Bill No. 97, An Act appropriating money for the payment of claims of certain persons for services rendered, account deficiency in salaries, appointive State Officers and Clerks in the years 1897 and 1898.

By Committee on Appropriations:

House Bill No. 98, An Act appropriating money for the payment of the claim of Wm. Coyne, account contingent expenses State Board of Examiners in the year 1898.

By Committee on Appropriations:

House Bill No. 99, An Act appropriating money for the payment of claims of certain persons for services rendered, account salaries of County Attorneys in the year 1898.

By Committee on Appropriations:

House Bill No. 100, An Act appropriating money for the payment of claim of T. W. Poindexter, account State Auditor in the year 1898.

By Committee on Appropriations:

House Bill No. 101, An Act appropriating money for the payment of the claim of M. E. Knowles for services rendered, account State Veterinarian in the year 1897 and 1898.

By Committee on Appropriations:

House Bill No. 102, An Act appropriating money for the relief of W. C. Orr, account Deputy State Veterinary Surgeon in the year 1898.

By Committee on Appropriations:

House Bill No. 103, An Act appropriating money for the payment of claims of a certain company, account supplies for State Boards and Officers in the year 1898.

By Committee on Appropriations:

House Bill No. 104, An Act appropriating money for the payment of claims of certain persons, companies and corporations, account Public Printing in the years 1896 and 1898.

By Losekamp:

House Bill No. 105, A Bill for an Act to regulate the time of continuous service of certain employees on Railroads and providing a penalty for a violation of the provisions of this Act.

By Phelps:

House Bill No. 106, A Bill for an Act to authorize the appointment of a Commissioner for the Measurement and Division of Water under Decrees of Court in certain cases.

## READING OF HOUSE BILLS.

House Bills Nos. 79 to 104 inclusive, were read a first and second time and ordered printed.

House Bill No. 105 was read a first and second time and referred to the Committee on Labor.

House Bill No. 106 was read a first and second time and referred to the Committee on Irrigation and Water Rights.

## READING OF SENATE BILLS.

Substitute for Senate Bill No. 13 was read a first and second time and referred to the Committee on Education.

Senate Bill No. 29, was read a first and second time and referred to the Committee on Judiciary.

Senate Bill No. 31 was read a first and second time and referred to the Committee on Judiciary.

## MESSAGES FROM THE SENATE.

The following messages were received and read:

Helena, Montana, January 26th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, that the following bill was introduced:

By Hobson:

Senate Bill No. 45, A Bill for an Act to amend Section 2990, Article IV, Chapter V, of Title VII, Part III, of the Political Code, relating to the tax levy for stock inspection purposes.

That Senate Bill No. 23 has passed the Senate and has been transmitted to the Chief Clerk. Your concurrence is requested.

Respectfully yours,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 27th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, that: Notices of Bills to be introduced were given as follows:

By Clark:

A Bill for an Act to amend the Title to Chapter VI, of Part III, Title X, of the Political Code of Montana, relating to the levy of taxes, and to amend Sections 3827 and 3828 of said Chapter VI, Part III, Title X, of the Political Code, relating to the levy of taxes.

By Stanton:

A Bill for an Act to provide for a lien on personal property in rented premises for rents due.

That Senate Bill No. 24 and Senate Bill No. 32 have passed the Senate and have been transmitted to the Chief Clerk. Your concurrence is requested.

Yours respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, January 28th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, that the following bill was introduced:

By Committee on Elections and Privileges:

Senate Bill No. 46, A Bill for an Act appropriating to J. W. Ponsford, the sum of ninety-six dollars and sixty cents, expenses incurred by him in serving the process of the Senate and summoning Michel Therriault to appear before the Senate with the ballots and ballot boxes of Flathead County, in the contest case of John H. Geiger vs. Fred Whiteside.

That notices of bills to be introduced were given as follows:

By Geiger:

A Bill for an Act entitled an Act to amend Section 4233 of the Political Code of Montana.

By Phillips:

A Bill for an Act entitled an Act fixing rates of transportation on coal in the State of Montana.

That Substitute for Senate Bill No. 13 and Senate Bills Nos. 31 and 29 have passed the Senate and have been transmitted to the Chief Clerk. Your concurrence is requested.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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#### CONSIDERATION OF THE GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the further consideration of House Bills Nos. 17, 7, 16 and Senate Bill No. 5.

Mr. Lindsay in the chair.

House resumed.

Mr. Speaker in the Chair.

Mr. Lindsay, chairman of the Committee of the Whole, asked for further time to report, the request was granted.

The following report was received and read:

STATE OF MONTANA,  
REPORTS OF STANDING COMMITTEES.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills Nos. 38 and 1, respectfully report the same back as properly printed.

NORMOYLE,

Chairman.

House Bills Nos. 38 and 1 were placed upon the General Orders.

Fine, seconded by Hedges, moved that the House do now adjourn.

Losekamp moved in amendment that the House adjourn to 10:30 a. m. to-morrow, amendment carried and the House adjourned.

C. R. CRAIG,

Chief Clerk.

## THIRTY-FIRST DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 1, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous session was read and approved.

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### NOTICES.

Notice was given of the introduction of the following bill:

By Stapleton:

A Bill for an Act entitled an Act to amend Section 712 of the Penal Code of Montana relating to "Crimes against the Public Health and Safety."

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### REPORTS OF STANDING COMMITTEES.

The following report was received and read:

Helena, Montana, February 1, 1899.

Mr. Speaker:

The Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

That House Bill No. 16 be reported back with accompanying amendments and as so amended recommend that the same do pass.

That House Bill No. 17 be recommitted with instruction to ascertain the amount in the insurance fund to which the disability fund would be entitled yearly under House Bill No. 17.

That House Bill No. 7 do pass.

That Senate Bill No. 5 be recommitted to the Senate.

All of which is respectfully submitted.

LINDSAY,  
Chairman.

On motion of Day, seconded by Hedges the report of the Committee was adopted and House Bills Nos. 16 and 7 were ordered engrossed, and House Bill No. 17 was recommitted to the Committee on Affairs of Cities and Senate Bill No. 5, was recommitted to the Senate.

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#### INTRODUCTION OF BILLS.

By Sands:

House Bill No. 107—A Bill entitled an Act to revise and establish a uniform road law in this State.

By Lamb:

House Bill No. 108—A Bill for an Act to repeal Section 494 of the Code of Civil Procedure prescribing a limitation of one year for actions for the recovery of placer mining claims.

By Day:

House Bill No. 109—A Bill for an Act to more fully provide for the protection of human life and property by reason of the defective construction or maintenance of dams and reservoirs, and to amend Chapter XXIV of the Political Code relating to dams and reservoirs by adding thereto Sections 3454, 3455, 3456, 3457, 3458, 3459, 3460 and 3461.

By Day:

House Bill No. 110—A bill for an act relating to the garnishment of public officials and to amend Section 925 Code of Civil Procedure.

By McLeod:

House Bill No. 111—A Bill for an Act to create the office of Chaplain in the State Penitentiary, providing for the appointment of the same, and defining the duties and compensation thereof.

By Marcyes:

House Bill No. 112—A Bill for an act to create the County of Rosebud, to define its boundaries and to provide for its organization.

By Losekamp:

House Bill No. 113—An Act to amend Article II, Title XIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Grant Commission and defining its powers and duties and all Acts and parts of Acts amendatory thereof, by providing for the purchase and reclamation of certain lands situate in the County of Yellowstone and State of Montana, by the issue of bonds by adding thereto the following.

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#### READING OF HOUSE BILLS.

House Bill No. 107 was read a first and second time and referred to Committee on Highways.

House Bill No. 108 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 109 was read a first and second time and referred to Committee on Internal Improvements.

House Bill No. 110 was read a first and second time and referred to Judiciary Committee.

House Bill No. 111 was read a first and second time and referred to Committee on State Institutions, Public Buildings and Grounds.

House Bill No. 112 was read a first and second time and referred to Committee on Townships and Counties.

House Bill No. 113 was read a first and second time and referred to Committee on State Lands.

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#### CONSIDERATION OF THE GENERAL ORDERS.

On motion of Day, seconded by Stephens, the House resolved itself into Committee of the Whole for the consideration of Senate Joint Memorial No. 1, and House Bills Nos. 12, 37, 15, 22, 47, 43, 48, 38 and House Bill No. 1.

Mr. Matts in the chair.

House resumed.

Mr. Speaker in the Chair.

Matts, Chairman of the Committee of the Whole, asked for further time to report, the request was granted and on motion of Cooney, duly seconded, the House took a recess until 2 p. m.

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#### AFTERNOON SESSION.

2 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The Committee of the Whole made the following report:

Helena, Montana, February 1, 1899.

Mr. Speaker:

Your Committee of the Whole to whom was referred:

Senate Joint Memorial No. 1, House Bill No. 48, House Bill No. 12, House Bill No. 37, House Bill No. 15, House Bill No. 22, House Bill No. 47, House Bill No. 43, House Bill No. 38, House Bill No. 1



Have considered Senate Joint Memorial No. 1, House Bill No. 48, House Bill No. 12, House Bill No. 37, House Bill No. 15, and House Bill No. 22; and recommend that they do pass with the following amendments, that Section 3 of House Bill No. 15 and Section 3 of House Bill No. 22 be stricken out, and House Bill No. 22 be amended so as to read "money expended by him for physicians' and surgeons' attendance."

House Bills Nos. 47, 43, 38, and 1 were not considered and are referred back to General Orders.

E. D. MATTS,

Chairman.

On motion of Day, seconded by Lindsay, the report was adopted and House Bills Nos. 48, 12, 37, 15 and 22 were ordered engrossed.

Senate Joint Memorial No. 1 was placed on its third reading.

House Bills Nos. 47, 43, 38 and 1, were referred back to the General Orders.

On motion of Day, seconded by Fine, the House adjourned till 10:30 a. m. to-morrow.

C. R. CRAIG,

Chief Clerk

## THIRTY-SECOND DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 2nd, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PETITIONS.

A petition from several citizens petitioning legislature relative to the better protection of citizens, subject to the danger, liable to result from the breaking of dams, etc., was presented by Day, and referred to the Committee on Internal Improvements.

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### NOTICES.

Notice of the introduction of bills was given as follows:

By Kelley, C. F.:

A Bill for an Act to amend Sections 4063, 4064, 4065, 4068, 4075, 4079, 4083 and 4084, of the Political Code of the State of Montana, relating to licenses, and to repeal an Act entitled an Act to amend Sections 4603, 4604, 4064, 4065, 4068, 4083, of the Political Code of the State of Montana, and to add to Article II, Chapter XII, Title X, Part III, of the Political Code, a section to be numbered 4084, regarding licenses, approved March 6, 1897.

By Phelps:

A Bill for an Act entitled an Act to provide for the payment of the interest on the bonds issued or to be issued pursuant to existing laws, to aid in the establishment and maintenance of State Buildings and Institutions.

By Truscott:

A Bill for an Act entitled an Act amending Section 4333, of Chapter III, of Article 1, of the Political Code, relating to bonds of County Officers. Also;

A Joint Memorial.

By More:

A Bill for an act entitled an act providing for the submission to the qualified electors of the State of Montana of an amendment to Sections X, and XI, of Article IX, of the Constitution, relating to the qualifications of County Superintendents of Schools.

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#### REPORTS OF STANDING COMMITTEES.

The following reports were received and read:

Helena, Montana, February 2nd, 1899.

Mr. Speaker:

We, your Committee on State Lands having duly considered House Bill No. 45 and House Bill No. 65, report that nothing in House Bill No. 65 conflicts with House Bill No. 45, and House Bill No. 45 more efficiently covers the subject, and we therefore recommend that House Bill No. 65 be indefinitely postponed, and that House Bill No. 45 do pass.

STEPHENS,

Chairman.

The report of the Committee was adopted and House Bill No. 65 was indefinitely postponed, and House Bill No. 45 was ordered printed.

Helena, Montana, February 1, 1899.

Mr. Speaker:

We, the Committee on Military Affairs, to whom was referred Senate Bill No. 15, introduced by Whiteside, do hereby recommend that the same be indefinitely postponed.

GARR,

Chairman.

The report of the Committee was adopted and Senate Bill No. 15 was indefinitely postponed.

Helena, Montana, February 2, 1899.

Mr. Speaker:

Your Committee on Townships and Counties, report back Senate Bill No. 9, relating to petitions for removal of County Seats and Senate Bill No. 23 relating to the issuance and execution of County Bonds and recommend that same do pass, and your Committee also report back Senate Bill No. 24 relating to the fees of County Treasurers and recommend that same do not pass.

WATSON,

Chairman.

The report of the committee was adopted, and Senate Bills Nos. 9, 23 and 24 were placed upon the General Orders.

Mr. Speaker:

We, your Committee on Judiciary having had under consideration House Bill No. 46, entitled "An Act to amend an Act to amend Section 442 of Article VII, Chapter III, of the Political Code of Montana, relating to the State Treasury," recommend that the same be amended, as hereinafter set forth, and as amended it be printed.

CRUTCHFIELD,

Chairman.

Mr. Speaker:

The report was adopted and House Bill No. 46 was ordered printed.

Your Committee on Judiciary, having had under consideration House Bill No. 2, entitled "An Act to amend Section 4653, of the Political Code, relating to compensation of witnesses in courts not of record on Coroner's inquests," introduced by Mr. Truscott, beg leave to report that they recommend that Section 4653 be amended to read as follows:

Section 4653. Witnesses in courts not of record in criminal actions and on Coroner's inquests, shall receive as compensation \$1.50 per day and mileage at the rate of five cents a mile for each mile traveled to and from the place of hearing or trial, provided, however, that witnesses residing within ten miles of the place of hearing or trial shall receive neither per diem or mileage, and as so amended recommend that the same be printed.

CRUTCHFIELD,

Chairman.

The report was adopted and House Bill No. 2 was ordered printed.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 40, entitled "An Act providing for the dividing of counties into districts, and the election of county commissioners from said districts," introduced by Lindsay, beg leave to report that they recommend that said bill be indefinitely postponed, for the reason that in the opinion of the committee said bill is unconstitutional.

CRUTCHFIELD,

Chairman.

The report was adopted and House Bill No. 40 was indefinitely postponed.

Mr. Speaker:

We, your Committee on Judiciary having had under consideration House Bill No. 72, entitled "An Act to repeal an Act," approved March 16th, 1895, which provision constitutes Section 4061, of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana," introduced by Kuphal, beg leave to report that we recommend that said bill be referred to the committee on Ways and Means.

CRUTCHFIELD,

Chairman.

The report of the Committee was adopted and House Bill No. 72 was referred to the Committee on Ways and Means.

Mr. Speaker:

We, your Committee on Judiciary having had under consideration House Bill No. 108, entitled "A Bill for an Act to repeal Section 494, of the Code of Civil Procedure, prescribing a limitation of one year for actions for the recovery of placer mining claims," introduced by Mr. Lamb, beg leave to report that we recommend that said bill do pass.

CRUTCHFIELD,

Chairman.

The report of the committee was adopted and House Bill No. 108 was ordered printed.

Mr. Speaker:

We, your Committee on Judiciary having had under consideration Senate Bill No. 10, entitled, A Bill for an Act to create for each city of the State of Montana having a requisite number of inhabitants, a Board of Municipal Service Commissioners, to have the management and control of the Police and Fire Departments in such city, and to provide for the appointment of such commissioners, to define and regulate their duties and powers over such departments, and the direction and removal of officers and members thereof, and to repeal all laws in conflict therewith, introduced by Mr. Courtney, beg leave to report that we recommend that the consideration of said Senate Bill be indefinitely postponed.

CRUTCHFIELD,

Chairman.

The report was adopted and Senate Bill No. 10 was indefinitely postponed.

Mr. Speaker:

We, your Committee on Judiciary having had under consideration Senate Bill No. 31, entitled "A Bill for an Act to amend Section 720 and 722, Chapter VI, Title VI, Part II, of the Code of Civil Procedure of Montana, relating to pleadings in civil actions," introduced by Mr. Stanton, beg leave to report that we recommend that said Senate Bill be concurred in.

CRUTCHFIELD,

Chairman.

The report was adopted and Senate Bill No. 31 was placed on the General Orders.

Helena, Montana, February 2, 1899

Mr. Speaker:

Your Committee on Education desires to report as follows:

There is in the room of said committee a machine that is designated by the Honorable Secretary of State as a Typewriter, but which seems to be a cross between a threshing machine and a patent clothes wringer. This conclusion as to the identity of the machine is reached after a careful observation and after consideration of the testimony of seven young ladies who have attempted to operate the machine.

Your committee would further report that repeated requests and requisitions have been made upon said Secretary of State for a typewriter but all of these have been disregarded. In view of these facts your committee respectfully request that the Sergeant at Arms be clothed with proper authority to procure a typewriting machine or, in lieu of that, that the committee be empowered to employ a male clerk who shall be a past master in the art and science of profanity, as it is the belief of your committee that the present machine can be successfully operated only by a person so qualified.

Respectfully,

STONE,  
Chairman.

Referred to Committee on Military Affairs.

Helena, Montana, February 1st, 1899.

Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 53, introduced by Bywater, entitled, "A Bill for an Act to legalize the bonds of School District No. 5, of Flathead County, Montana, which said bonds were on May 7th, 1898, voted to be issued by the qualified electors of said District," report the same back with the recommendation that it do pass.

STONE,  
Chairman.

The report was adopted and House Bill No. 53 was ordered printed.

Helena, Montana, February 2, 1899.

Mr. Speaker:

Your Committee on Printing beg leave to recommend that House Bills Nos. 81, 91 and 104, be recommitted to Committee on Appropriations for correction.

NORMOYLE,  
Chairman.

The report was adopted.

Helena, Montana, February 2, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bills Nos. 48, 15, 7, 37, 12, 22 and 16, respectfully report the same back as correctly engrossed.

COONEY,  
Chairman.

The report was adopted and House Bills Nos. 48, 15, 7, 37, 12, 22 and 16 were filed for "Third Reading."

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#### INTRODUCTION OF BILLS.

The following bill was introduced:

By Judiciary Committee:

House Bill No. 114, A Bill for an Act entitled an Act to amend Section 12 of the Code of Civil Procedure of Montana, and to increase the number of Justices of the Supreme Court to Five.

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#### MOTIONS AND RESOLUTIONS.

The following motion was introduced by Stephens:

Helena, Montana, February 2, 1899.

Mr. Speaker:

I move that the House meet the Senate in Joint Session this day for the purpose of receiving a report by the Joint Investigating Committee heretofore appointed to enquire into the matter of alleged bribery in the election of an United States Senator, and that said Joint Session be made a special order for 2 p. m. this day.

STEPHENS,

Chairman House Committee.

On motion of Stephens, seconded by Day, the motion was adopted.

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#### COMMUNICATION FROM THE SENATE.

The following communication was received and read:

Helena, Montana, February 1, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body, that the following bill was introduced:

By Phillips:

Senate Bill No. 47, A Bill for an Act fixing maximum rates of transportation on coal mined in the State of Montana.

Very respectfully,

D. P. O'CONNOR,

Secretary.

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#### READING OF HOUSE BILLS.

House Bill No. 114 was read first and second time and referred to the Committee on Ways and Means.

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#### THIRD READING OF HOUSE BILLS.

House Bill No. 48 was read a third time and passed by the following vote:

Ayes—Bennett, Bonner, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal

Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Madden, Magee, Marcyes, Matts, McLaughlin, Mettlen, Moran, More, Murray, Normoyle, O'Brien, Parker Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—58.

Noes—Boylan Eversole, Flinn, Gibson, Gillette, Luddy, Martin, McLeod—8.

Absent—Beasley, Black, Burke, Stapleton—4.

Title agreed to.

House Bill No. 7 was read a third time and passed by the following vote:

Ayes—Bennett, Black, Bonner, Boylan, Clifford, Conrow, Cooney Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—65.

Noes—Burke—1.

Absent—Beasley, Bywater, Losekamp, Stapleton—4.

Title agreed to.

House Bill No. 12 was read a third time and passed by the following vote:

Ayes—Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Mr. Speaker—66.

Noes—None.

Absent—Beasley, Marcyes, Stapleton, Woods—4.

Title agreed to.

House Bill No. 15, was read a third time and passed by the following vote:

Ayes—Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Ingersoll, Jacqueth Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Matts, McLaughlin, McLeod, Metlen,



Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Potting, Sands, Shovlin, Stephens, Stone, Sullinvan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr Speaker—62.

Noes—Gibson, Hutchinson, Martin, Phelps, Toole—5.

Absent—Beasley, Finlen, Stapleton—3.

Title agreed to.

House Bill No. 22 was read a third time and passed by the following vote:

Ayes—Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Willson, Woods, Mr. Speaker—66.

Noes—Burke, Gallwey—2.

Absent—Beasley, Stapleton—2.

Title agreed to.

House Bill No. 37 was read a third time and passed by the following vote:

Ayes—Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Mr. Speaker—62.

Noes—Lindsay, Sands, Shovlin, Toole, Woods—5.

Absent—Beasley, Lamb, Stapleton—3.

Title agreed to.

House Bill No. 16 was read a third time and passed by the following vote:

Ayes—Bonner, Boylan, Burke, Bywater, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley, of Cascade, Kelly, of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—62.

Noes—Bennett, Black, Conrow—3.

Absent—Beasley, Flinn, Lamb, Normoyle, Stapleton, Swindlehurst—5.

Title agreed to.

Senate Joint Memorial No. 1 was read a third time and concurred in by the following vote:

Ayes—Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Day, Eversole, Fine, Finlen Fitzpatrick, Garr, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, O'Brien, Parker, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Mr. Speaker—52

Noes—Bonner, Crutchfield, Galiwey, Gibson, Hill, Kelley of Cascade, Lamb, Lewis, Metlen, Murray, Paul, Sweeney, Woods—13.

Absent—Beasley, Flinn, Normoyle, Stapleton, Wilson—5.

Title agreed to.

Day's motion duly seconded for the reconsideration of the report of the Committee on Military Affairs relating to Senate Bill No. 15, carried, and Senate Bill No. 15 was placed on General Orders.

The Committee on Appropriations asked permission to correct clerical errors in Bills recommitted. Request granted.

On motion of Woods, duly seconded, the House took a recess until 2 p. m.

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#### AFTERNOON SESSION.

2 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The Sergeant-at-Arms announced the arrival of the Honorable, the Senate, and the Joint Session convened.

The President of the Senate in the chair.

The Secretary of the Senate and the Chief Clerk of the House called the rolls of their respective bodies.

A quorum of both bodies being present the Joint Assembly proceeded to the consideration of the report of the Joint Investigating Committee.

Senator Anderson, Chairman of the Joint Investigating Committee, reported that the committee had finished its labors and was ready to report.

Moved by Day, seconded by Toole and Cooney, that the report of the committee be received and the committee discharged, and that the docu-

ments accompanying the report, together with all other documents, papers, memoranda, stenographers notes, transcripts of evidence of witnesses and communications now in the hands of said committee be delivered to the President of the Senate to be by him deposited with the Secretary of State for safe keeping.

Motion carried.

On motion of Cullen, seconded by Hannah, the Joint Assembly dissolved and the Senate withdraw from the Hall of the House.

House resumed.

Mr. Speaker in the Chair.

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#### CONSIDERATION OF THE GENERAL ORDERS.

The Clerk read the Calendar and the following bills were called:

House Bills Nos. 13, 25, 34, 47, 8, 42, 43, 71, 38, 1.

The Committee on Printing asked leave to report at the time and submitted the following report:

Mr. Speaker:

Your Committee on Printing to whom was referred House Bills Nos. 63, 50 and Substitute for House Bill No. 33, respectfully report the same back as correctly printed.

NORMOYLE,

Chairman.

The report read on House Bills Nos. 63, 50 and Substitute for House Bill No. 33, were placed on the General Orders.

On motion of Normoyle, the House adjourned till 10:30 a. m. to-morrow.

C. R. CRAIG,

Chief Clerk.

## THIRTY-THIRD DAY.

### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 3d, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous session was read and approved.

On motion of Stephens, duly seconded, the House resolved itself into Committee of the Whole for the consideration of the General Orders as called on yesterday.

House resumed.

Mr. Speaker in the Chair.

Day, Chairman of the Committee of the Whole asked for further time to report which was granted.

Paul, of the Appropriations Committee, asked leave to report at this time. The request was granted and the following report was received and read:

Helena, Montana, February 2nd, 1899.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills Nos. 81, 91 and 104, respectfully report the same back corrected, as requested by the Printing Committee.

PAUL,  
Chairman.

The report was received and House Bills Nos. 81, 91 and 104 were ordered printed.

Burke moved, seconded by Walsh, that the House adjourn until 3 p. m., Monday. Division was called for and the vote resulted in the adoption of the motion by a vote of 52 to 3, and the House adjourned to the time stated.

C. R. CRAIG,  
Chief Clerk.

**THIRTY-SIXTH DAY.**

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**HOUSE OF REPRESENTATIVES.**

Helena, Montana, February 6th, 1899.

The House met pursuant to adjournment at 3 p. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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**NOTICES.**

The following notices of introduction of bills were given:

By Sweeney:

A bill for an act to enable the State of Montana to purchase 300 maps for State and school purposes.

By Garr:

Joint Memorial to the Congress of the United States.

By Committee on Ways and Means:

A bill for an act to provide for the support of the Government of the State of Montana, for the fiscal years 1899 and 1900;

Also, A bill for an act to amend Section 410 of the Political Code of the State of Montana.

By Ingersoll:

A bill for an act to authorize and regulate the disposition of the property of mining corporations, and the protectoin of dissenting stockholders.

By Magee:

A bill for an act entitled an act to provide a penalty for taking up, riding and working certain animals, without due authority.

Also, by Magee, A bill for an act entitled an act to amend Section 4336 of the Political Code of Montana, relating to quarterly reports of county officers, justices of the peace and constables.

By Day:

A bill for an act entitled an act to cure defects in deeds and conveyances heretofore made to real property that are defective in execution or

acknowledgement, and to cure defects in judicial sales of real property and sales of lands and personal property by executors, administrators and guardians.

By Lamb:

A bill to amend Section 4063 of the Political Code of the State of Montana, relating to licenses.

By Bywater:

A bill for an act entitled an act to repeal Sections 3100, 3101, 3103 and 3114, and to amend Sections 3106, 3107, 3108, 3109, of the Political Code of Montana, and to enact in lieu thereof certain other sections, relating to the protection of game and fish and issuing permits to hunt and fish in the State of Montana, and prescribing penalties for infractions of the game and fish laws of Montana.

By Day:

A bill for an act entitled an act to amend Section 1723 of Chapter I, of Title XIII, of Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court.

By Potting:

A bill for an act entitled an act to repeal Sections 3698 and 3699 of the Political Code of the State of Montana.

By Johnson:

A bill for an act entitled an act to prohibit the deposit or dumping of coal slack or debris in the streams of water in this State.

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#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were read:

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

Your Committee on Apportionment and Representation, to whom was referred House Bills Nos. 75 and 76, beg leave to report having had the same under consideration, and respectfully report the same back with the recommendation that further consideration be indefinitely postponed.

BURKE,  
Chairman.

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

Your Committee on Apportionment and Representation, to whom was referred House Bill No. 74, entitled a bill for an act entitled an act to amend Sections 112, 150 and 152 of the Political Code have had the same under consideration and respectfully report the same back with the recommendation that it be amended so as to read Dawson County, one representative,

and Valley County, one representative, raising total representation to 61, and that as amended it do pass.

BURKE,  
Chairman.

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 106, introduced by Phelps, entitled "A bill for an act to authorize the appointment of a commissioner for the measurement and division of water under decree of court in certain cases," recommend that the same do pass.

WILSON,  
Chairman.

Helena, Montana, February 6th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 114, being a bill for an act entitled an act to amend Section 12, of the Code of Civil Procedure of the State of Montana, beg leave to report the same back to the House without recommendation.

LEWIS,  
Chairman.

Helena, Montana, February 6th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills Nos. 60, 61, 79, 80, 82, 83, 84, 85, 86 and 87, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 44, being a bill for an act to amend Section 681, Article III, Title IV, Chapter I, of the Code of Civil Procedure of the State of Montana, recommend that the same be referred to the Committee on Insurance.

Also, your Committee, having had under consideration House Bill No. 49, being a bill for an act to amend Sections 3860 and 3866, of the Political Code of the State of Montana, beg to report the same back to the House with the recommendation that it do pass.

LEWIS,  
Chairman.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The following report was presented, read and adopted:

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

The Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First—That we have had under consideration substitute for Senate Bill No. 6, and report the same back with accompanying amendments agreed to, and as amended we recommend that the bill be concurred in.

Second—That we have had under consideration House Bill No. 13, and report the same back with the recommendation that it be passed.

Third—That we have had under consideration House Bill No. 25, and report the same back with the recommendation that it do pass.

Fourth—That we have had under consideration House Bill No. 34, and report the same back with the accompanying amendments agreed to, and as amended recommend the same do pass.

Fifth—That we have had under consideration House Bill No. 47, and report the same back with the accompanying amendments agreed to, and as amended we recommend that the same do pass.

Sixth—That we have had under consideration House Bill No. 8, and report the same back with accompanying amendments agreed to, and as amended recommend that the same do pass.

We further report that there was referred to us House Bills Nos. 42, 43, 71, 38 and I, but the same not having been considered, they are referred back to the House to be placed on General Orders.

All of which is respectfully submitted,

DAY,  
Chairman.

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Upon motion, duly seconded, the report of the Committee on Apportionment and Representation regarding House Bills Nos. 75 and 76 was adopted.

Day moved, seconded by Bennett, that further consideration of House Bill No. 74 be indefinitely postponed. Upon a division being demanded, the motion was adopted by a vote of 31 to 25.

The report of the committee on House Bill No. 114 was adopted and the bill was ordered printed.

The report of the Printing Committee was adopted and the bills were placed on General Orders.

The report of the committee on House Bill No. 49 was adopted and the bill ordered printed.

House Bill No. 44 was referred to the Committee on Insurance.



## INTRODUCTION OF BILLS.

The following bills were introduced:

By Stapleton:

House Bill No. 115—A bill for an act to amend Section 712 of the Penal Code of the State of Montana, relating to crimes against the public health and safety.

By C. F. Kelley, by request:

House Bill No. 116—A bill for an act to amend Sections 4063, 4064, 4065, 4068, 4075, 4079, 4083 and 4084 of the Political Code of the State of Montana, relating to licenses, and to repeal an act entitled an act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article II, Chapter XII, Title X, Part III, of the Political Code, a section to be numbered 4084, regarding licenses, approved March 6th, 1897.

By Truscott:

House Bill No. 118—A bill for an act entitled an act amending Section 4333, of Chapter III, of Article I, of the Political Code, relating to bonds of county officers.

By More:

House Bill No. 117—A bill for an act providing for the submission to the qualified electors of the State of Montana of an amendment to Sections 10 and 11, Article IX, of the Constitution, relating to the qualifications of County Superintendents of Schools.

By Kuphal:

House Bill No. 119—A bill for an act entitled an act to amend Section 3614, Chapter I, Title IX, of the Political Code of the State of Montana, relating to the filing of affidavits, showing that the annual work and improvements on mining claims has been done as required by the laws of the United States.

By Phelps:

House Bill No. 120—A bill for an act entitled an act to provide for the payment of interest on the bonds issued or to be issued pursuant to existing laws to aid in the establishment and maintenance of State buildings and institutions.

By Truscott:

House Joint Memorial No. 2—Relating to the Fort Peck Indian Reservation.

The following communication was received and read:

Missoula, Montana, January 30th, 1899.

Hon. H. C. Stiff, Speaker, and Members of the House of Representatives,  
Helena, Montana:

The second annual meeting of the Montana Horticultural Society will convene in Hamilton, Montana, February 23, 24 and 25, 1899. The committee in charge extends to you an invitation to be present on this occasion.

The intense interest already manifested in the affair insures a large attendance, and the people of Hamilton assure you a cordial greeting and earnestly request your presence.

The committee of arrangements have secured special hotel rates for all delegates, and the railroads of the State have agreed to make a fare of one fare and a fifth, all of which will be announced in the official program which will be issued later.

I shall thank you sincerely for a prompt reply to this notice, accompanied by your acceptance to be present.

Very respectfully yours,

C. H. EDWARDS,  
Secretary.

Moved by Stone, and duly seconded, that the communicatoin be acknowledged and that the Chief Clerk be instructed to return the thanks of the members of the House for the invitation and to assure the Horticultural Society that as many members of the House as can possibly do so will attend the meeting.

Carried.

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#### READING OF HOUSE BILLS.

House Bills Nos. 115, 117, 118 were read a first and second time and referred to the Judiciary Committee.

House Bill No. 116 was read a first and second time and referred to the Ways and Means Committee.

House Bill No. 119 was read a first and second time and referred to Committee on Mines and Mining.

House Bill No. 120 was read a first and second time and referred to the Committee on State Institutions, Public Buildings and Grounds.

House Joint Memorial No. 1 was read a first and second time and referred to the Committee on Federal Relations.

House Joint Resolution No. 2 was read first and second time and referred to Committee on Agriculture and Stockgrowing.

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#### READING OF SENATE BILLS.

Senate Bills Nos. 35 and 28 were read a first and second time and referred to the Committee on Judiciary.

Senate Joint Memorial No. 1 was read a first and second time and referred to the Committee on Judiciary.

Senate Bills Nos. 44 and 46 were read a first and second time and referred to the Committee on Appropriations.

Senate Bill No. 25 was read a first and second time and referred to the Committee on Ways and Means.

## COMMUNICATIONS.

The following communications were received and read:

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bills Nos. 35, 44 and 46 have passed the Senate and been transmitted to the Chief Clerk for your concurrence.

Also, That House Bill No. 3 has been transmitted to the Chief Clerk for correct engrossment.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Committee on Judiciary:

Senate Bill No. 49—A bill for an act to amend Article II, Title VIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Grant Commission and defining its powers and duties, and all acts and parts of acts amendatory thereof; to provide for the issue of bonds for the construction of water systems for irrigating State and other lands, or for other useful purposes; to establish a uniform price for the use of water for the redemption of such bonds, principal and interest, for the operation and maintenance of such water system, to issue warrants to meet preliminary expenses on account of any such water systems, and providing for the payment of the same, by adding thereto the following:

Introduced by Committee on Corporations Other than Municipal:

Senate Bill No. 50—A bill for an act to amend Section 448 of the Civil Code of the State of Montana, relating to the meetings of stockholders and boards of directors of corporations.

By Phillips:

Senate Bill No. 51—A bill for an act to create the County of Powell, to define its boundaries, to provide for its organization and government, and to alter the boundaries of Deer Lodge County, Lewis and Clarke County and Flathead County, to conform to the boundaries of Powell County.

By Eggleston:

Senate Bill No. 52—A bill for an act to extend and define the boundaries of Lewis and Clarke County, to alter the boundaries of Deer Lodge County to conform thereto.

By Stanton:

Senate Bill No. 53—A bill for an act to provide for the creation of a board of sinking fund commissioners, and to define their powers and duties.

By Myers:

Senate Bill No. 54—A bill for an act to establish, equip and provide for the maintenance and support of a State Normal School at or near the town of Hamilton, in the County of Ravalli, in the State of Montana.

By Myers:

Senate Bill No. 55—A bill for an act to repeal Section 925, of Title VII, Chapter IV, of the Code of Civil Procedure, relating to attachments.

By Myers:

Senate Bill No. 56—A bill for an act to repeal Section 4072, of Part III, Title X, Chapter XIII, Article II, of the Political Code of Montana, relating to licenses.

By Myers:

Senate Bill No. 57—A bill for an act to repeal Section 4061 of Part III, Title X, Chapter XIII, Article II, of the Political Code of Montana, relating to licenses.

By Gruwell, without notice:

Senate Bill No. 58—A bill for an act to amend article II, Title XIII, Part III, of the Political Code of the State of Montana, creating the State Arid Land Grant Commission, and defining its powers and duties, and all acts and parts of acts amendatory thereof by adding thereto a section to be numbered Section 3533A, and providing for the purchase and reclamation of certain lands situated in the County of Yellowstone and State of Montana, by the issue of bonds.

That the following Joint Memorial was introduced:

By Mahan:

Senate Joint Memorial No. 3—Relating to the Fort Peck Indian Reservation.

That notices of bills to be introduced were given as follows:

By Stanton:

A bill for an act to define and prescribe the legal meaning of the term "fellow-servant" in relation to corporations and their employes.

By Stanton:

A bill for an act to prescribe the conditions upon which foreign corporations may do business in this State. To repeal Title II, of Part IV, Division I, of the Civil Code. To repeal an act approved March 8th, 1893, whose provisions constitute Sections 1034 and 1035 of said Title II.

By Cullen:

A bill for an act to impose a license tax on dealers and solicitors of orders who sell, deal in and deliver goods, wares and merchandise in this State upon orders procured in advance by traveling agents or representatives.

By Hannah:

A bill for an act to amend Section 3935 of the Civil Code, relating to liens for services.

By Norris:

A bill for an act authorizing and directing the Governor of the State of Montana to cause to be corrected mistakes and errors of description in conveyances of property to the State, for the benefit of public institutions.

By Norris:

A bill for an act to provide for the appointment of an assistant State Land Agent and to fix his compensation.

That the following Joint Resolution was introduced:

By Committee on Judiciary:

Senate Joint Resolution No. 1—Relating to a bill for an act to provide for the registration of land titles in the State of Montana and to simplify and facilitate the transfer of real estate, which said bill is commonly known as the "Torrens System" of land transfer; and same was passed by the Senate and has been transmitted to the Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR.

Secretary.

House Bill No. 3 was referred back to the Judiciary Committee for correction as per amendments ordered.

Upon motion of Garr, seconded by Kelley, C. F., Fitzpatrick was excused for the next four days.

Upon motion of Day, duly seconded, the House adjourned.

C. R. CRAIG,

Chief Clerk.

## THIRTY-SEVENTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 7th, 1899.

The House met at 10 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PRESENTATION OF PETITIONS.

Petitions were presented and read as follows:

By Johnson:

A petition from about 150 residents of Carbon County, praying for the passage of a law to prohibit the deposit or dumping of coal slack or debris in the streams of water in this State. Referred to Committee on Water Rights.

By Potting:

A petition signed by about 85 residents of East Helena, protesting against the repeal of the anti-gambling law. Referred to Ways and Means Committee:

By Lamb:

A petition from stockmen and other residents of Yellowstone County regarding the bounty law. Referred to the Committee on Agriculture and Stockgrowing.

By Woods:

A petition from a number of residents of Ravalli County protesting against the passage of House Bill No. 68. Referred to the Ways and Means Committee.

By Potting:

A petition from residents of certain sections of Deer Lodge County regarding the alteration of county lines. Referred to the Committee on Townships and Counties.

## NOTICES.

Notice of introuction of bills was given as follows:

By Bywater:

A bill for an act entitled an act to amend Sections 3, 5, 6 and 8, of an act approved March 8th, 1897, repealing certain sections of the Penal Code of the State of Montana, and provide further protection of birds, fish and fur-bearing animals and game, and to add two sections thereto.

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REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 6th, 1899.

Mr. Speaker:

Your Committee on Incorporations and Manufactures, to whom was referred House Bill No. 52, an act to amend Section 4 of an act to provide for the organization, regulation and inspection of building and loan associations, respectfully report the same back with the recommendation that the same be printed.

TOOLE,  
Chairman.

The report was adopted and the bill was ordered printed.

Helena, Montana, February 4th, 1899.

Mr. Speaker:

oYur Committee on Incorporations and Manufactures, to whom was referred House Bill No. 70, have had the same under consideration and ask leave to report the same back to the House with the recommendation that it do pass.

TOOLE,  
Chairman.

The report was adopted and the bill was ordered printed.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 57, entitled "A bill for an act to prevent State, county and officers from charging or receiving mileage or other compensation for travel over the lines of any railroad, railway, stage or other transportation company in the connection with the discharge of the duties of their respective offices, where any such officer travels upon a pass or other evidence of free transportation issued to him by any of said companies," introduced by Long, beg leave to recommend that said bill be printed.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill was ordered printed.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 57, entitled "A bill for an act to prevent State, county and municipal officers from charging, accepting or receiving, other than for the use and benefit of the State, county or other municipality, or fund, as the case may be, any interest or other compensation on monies or funds in their hands by virtue of their respective offices," introduced by Hedges, respectfully recommend that it be printed.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill was ordered printed.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 55, entitled "A bill for an act entitled an act to amend Section 2588, of the Civil Code, relating to interest on judgments," introduced by Day, beg leave to recommend that it do pass.

CRUTCHFIELD,  
Chairman.

The report of the committee was adopted and the bill was ordered printed.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration Senate Bill No. 32, entitled "A bill for an act to suppress and punish trespasses and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act," introduced by Campbell, beg leave to recommend that that portion of Section 3, reading as follows:

"Provided, that the company, person or corporation, in whose employ such conductor, engineer, or other person engaged or employed in the operation of cars or trains or locomotives may be, shall be liable for all wilful abuse or excess of authority by the persons named in this section, while exercising or attempting to exercise any of the authority conferred by this Act," be stricken out, and that Section 4 be stricken out, and as so amended that it do pass.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill was ordered printed as amended.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 56, entitled "A bill for an act to prevent State and county officers from diverting or using State or county funds for any purpose whatever other than that for which the same are specifically appropriated," introduced by Hedges, beg leave to recommend that said bill be indefinitely postponed.

CRUTCHFIELD,  
Chairman.



The report was adopted and House Bill No. 56 was indefinitely postponed.

**Mr. Speaker:**

We, your Committee on Judiciary, having had under consideration House Bill No. 66, entitled "An act to be entitled an act to amend Section 895, Chapter IV, Title VII, of the Code of Civil Procedure of the State of Montana, relating to the levy of writs of attachment," introduced by Day, beg leave to report said bill back with the recommendation that it be amended, and that as amended it do pass.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill was ordered printed as amended.

Helena, Montana, February 7th, 1899.

**Mr. Speaker:**

Your Committee on Printing, to whom was referred House Bills Nos. 81, 92, 95, 97, 98, 99, 100 and 103, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report of the committee was adopted and the bills were placed on General Orders.

Helena, Montana, February 7th, 1899.

**Mr. Speaker:**

Your Committee on Townships and Counties, to whom was referred House Bill No. 78, an act to extend and define the boundaries of Lewis and Clarke County, and to alter the boundaries of Deer Lodge County to conform thereto, report the same back with recommendation that same do pass.

WATSON,  
Chairman.

Report of Committee was adopted and the bill ordered printed.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

**By Sweeney:**

House Bill No. 121—A bill for an act to enable the State of Montana to purchase 300 maps for State and school purposes.

**By Potting:**

House Bill No. 122—A bill for an act to repeal Sections 3698 and 3699 of the Political Code of the State of Montana.

**By Johnson:**

House Bill No. 123—A bill for an act to prohibit the deposit or dumping of coal slack or debris in the streams of water in this State.

By Day:

House Bill No. 124—A bill for an act to amend Section 1723 of Chapter I, Title XIII, Part II, of the Code of Civil Procedure, relating to appeals to the Supreme Court.

By Day:

House Bill No. 125—A bill for an act to cure defects in deeds and conveyances heretofore made to real property that are defective in execution or acknowledgement, and to cure defects in judicial sales of real property, and sales of lands and personal property by executors, administrators and guardians.

By Magee:

House Bill No. 126—A bill for an act entitled to provide a penalty for taking up, riding and working certain animals, without due authority.

By Magee:

House Bill No. 127—A bill for an act to amend Section 4336 of the Political Code of Montana, relating to quarterly reports of county officers, justices of the peace and constables.

By Hedges:

House Bill No. 128—A bill for an act to repeal Sections 3880 to 3889 inclusive, of Part III, Title X, Chapter VIII, of the Political Code, relating to the collection of property taxes, and substituting certain Sections to be numbered 3880, 3881, 3882, 3883, 3884, 3885, 3886, 3887, 3788, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3899, providing for the sale of all real property to the State, upon which the taxes have been delinquent.

By Bywater:

House Bill No. 129—A bill for an act entitled an act to repeal Sections 3100, 3101, 3103 and 3114, and to amend Sections 3106, 3107, 3108, 3109 and to add Sections 3114, 3115, 3116, 3117, 3118 and 3119 to the Political Code of the State of Montana, relating to the protection of game and fish, and issuing permits to hunt and fish in the State of Montana; prescribing penalties for violations and the provisions thereof, and enacting other provisions relating thereto, and providing penalties for violation thereof.

By Woods, without notice:

House Bill No. 130—A bill for an act to amend Section 1903, of Part III, Title III, of the Political Code, relating to teachers' institutes.

By Lamb:

House Bill No. 131—A bill for an act to amend Section 4063, of the Political Code of the State of Montana, relating to licenses.

By Ingersoll:

House Bill No. 132—A bill for an act to authorize and regulate the disposition of the property of mining corporations, and the protection of dissenting stockholders.

## READING OF HOUSE BILLS.

House Bill No. 121 was read first and second time and referred to Committee on Education.

House Bill No. 122 was read first and second time and referred to Committee on Judiciary.

House Bill No. 123 was read first and second time and referred to Committee on Irrigation and Water Rights.

House Bill No. 124 was read first and second time and referred to Committee on Judiciary.

House Bill No. 125 was read first and second time and referred to Committee on Judiciary.

House Bill No. 126 was read first and second time and referred to Committee on Judiciary.

House Bill No. 127 was read first and second time and referred to Committee on Judiciary.

House Bill No. 128 was read first and second time by title only under suspension of the rules and referred to the Ways and Means Committee.

House Bill No. 129 was read first and second time and referred to Fish and Game Committee.

House Bill No. 130 was read first and second time and referred to Committee on Education.

House Bill No. 131 was read first and second time and referred to Committee on Ways and Means.

House Bill No. 132 was read first and second time and referred to Committee on Incorporations and Manufactures.

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READING OF SENATE BILLS.

Senate Joint Memorial No. 2 was read first and second time and referred to Committee on Federal Relations.

Senate Bill No. 12 was read first and second time and upon motion of Woods, duly seconded, the rules were suspended and the consideration of the bill was made a special order for 2 p. m. of this day.

Senate Bill No. 21 was read first and second time and referred to Committee on Education.

Senate Bill No. 41 was read first and second time and referred to Committee on Judiciary.

Senate Bill No. 42 was read first and second time and referred to Committee on Incorporations and Manufactures.

Senate Bill No. 49 was read first and second time and upon motion of Woods the rules were suspended and consideration of the bill was made a special order for 2:15 p. m. of this day.

House Joint Resolution No. 2, relating to the disposition of the \$30,000 in the conscience fund was read a first and second time and referred to the Committee on Appropriations.

House Joint Memorial No. 1 was read a first and second time and referred to the Committee on Federal Relations.

Upon motion of Woods, the House took a recess until 2 p. m.

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#### AFTERNOON SESSION.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The House resolved itself into Committee of the Whole for the consideration of Senate Bill No. 12.

Crutchfield in the Chair.

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House resumed.

Mr. Speaker in the Chair.

The Chairman of the Committee of the Whole asked further time in which to report.

Mr. Speaker announced that the House would now go into Committee of the Whole for the consideration of Special Order on Senate Bill No. 49.

Crutchfield in the Chair.

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House resumed.

Mr. Speaker in the Chair.

The Chairman of the Committee asked time to prepare a report.

Time granted.

Black moved, seconded by Hedges, that Senate Bill No. 32 be made a special order for 2 p. m. to-morrow.

Upon division being called, the motion was lost by a vote of 21 to 38.

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#### COMMUNICATIONS.

The following communications were received and read:

February 7th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

Believing you may be interested in the result of the recent battle at

Manila in so far as it affects the lives of our own soldiers, I transmit herewith a cablegram received this morning from Colonel Kessler, commanding the regiment.

Very respectfully,

ROBT B. SMITH,  
Governor.

Manila, 8.

Governor, Helena:

None killed; six slightly wounded.

KESSLER.

4:29 a. m. Feb. 7.

February 7, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

Following the suggestion of the same subject in my recent message to the Sixth Legislative Assembly, concerning a resolution to be passed asking our Representatives in Congress to urge a constitutional amendment providing for the election of U. S. Senators by direct vote of the people, I have the honor to submit herewith, by request of the Legislature of North Dakota, a copy of such a resolution recently passed by that body.

Very respectfully,

ROBT B. SMITH,  
Governor.

Helena, Montana, February 2nd, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced:

By Stanton:

Senate Bill No. 48—A bill for an act to create a lien on personal property in or upon rented premises for rents due, and to provide a remedy for the enforcement thereof.

That notices of bills to be introduced were given as follows:

By Stanton:

A bill for an act to creat a board of sinking fund commissioners for towns and cities, and defining their powers and duties .

By Myers:

A bill for an act entitled an act to repeal Section 925 of Title VII, Chapter IV, of the Code of Civil Procedure, relating to attachments.

By Myers:

A bill for an act entitled an act to repeal Section 4072, of Part III, Title X, Chapter XIII, Article II, of the Political Code of Montana, relating to licenses.

By Myers:

A bill for an act entitled an act to repeal Section 4061, of Part III, Title

X, Chapter XIII, Article II, of the Political Code of Montana, relating to licenses.

By Myers:

A bill for an act entitled an act to establish, equip and provide for the maintenance and support of a State Normal School, at or near the town of Hamilton, in the County of Ravalli, in the State of Montana.

By Phillips:

A bill for an act to create the County of Powell, to define its boundaries, for its organization and government, and to alter the boundaries of Deer Lodge, Lewis and Clarke and Flathead Counties, to conform to the boundaries of Powell County.

That notice of a Senate Joint Memorial was given as follows:

By Mahan:

A Senate Joint Memorial relating to the boundaries of Fort Peck Indian Reservation.

That the following bills were introduced:

Recommended by Senate Judiciary Committee:

Senate Substitute for House Bill No. 20—A bill for an act to amend Sections 2585 and 2588, Chapter III, Title IV, Part IV, Division III, of the Civil Code of the State of Montana, relating to the legal rate of interest.

By Norris:

Senate Bill No. 59—A bill for an act to provide for an assistant State Land Agent, and to define his duties, to provide for his appointment and to fix his compensation.

By Stanton:

Senate Bill No. 60—A bill for an act to determine and define the legal meaning of the term "fellow-servant," as applied to corporations and their employes.

By Norris:

Senate Bill No. 61—A bill for an act authorizing and directing the Governor of the State of Montana to correct, and cause to be corrected, any and all errors, mistakes and misdescriptions, in any deeds or conveyances of any and all property conveyed to the State of Montana, for the use and benefit of any public institution belonging to the State; and also authorizing and directing the Governor to make any and all necessary conveyances in the name of the State, which may be found necessary to carry into effect the provisions hereof.

By Committee on Education:

Senate Bill No. 62—A bill for an act to amend Section 3, of substitute for Senate Bill No. 56, of the Session Laws of the Fifth Legislative Assembly, so as to provide for the nomination of candidates for school trustees.

That the Senate has passed Senate Bill No. 28 and Senate Bill No. 25,

and the same have been transmitted to Chief Clerk. Your concurrence is requested.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

That notices of bills to be introduced were given as follows:

By Anderson:

A bill to appropriate to H. J. Kelly, Assistant Sergeant at Arms of the Senate, out of any moneys in the State Treasury not otherwise appropriated, the sum of forty and 80-100 dollars, expenses incurred by said H. J. Kelly as assistant sergeant at arms of the Senate in serving orders, subpoenaing witnesses and procuring evidence for the Joint Investigating Committee of the Senate and House, appointed to investigate charges of bribery.

By Myers:

A bill for an act to allow County Attorneys fees in certain criminal prosecutions.

By Myers:

A bill for an act to provide for the election of an additional justice of the peace in each county of the State of Montana, and to prescribe his qualifications and duties.

By Myers:

A bill for an act to provide for the publication by County Treasurers of verified lists of all licenses collected by County Treasurers for the benefit of their several counties.

By Myers:

A bill for an act to amend Section 1480 of the Code of Civil Procedure of Montana, relating to the place of trial of actions in justices courts.

By Myers:

A bill for an act to provide for the creation of irrigating districts and supervisors and for the proper distribution of irrigation waters amongst different owners and users thereof.

That House Bill No. 20 has been indefinitely postponed by the Senate and a substitute introduced therefor.

That the Senate has passed Joint Memorial No. 2 and Senate Bills Nos. 12, 21, 41, 42 and 49, and same have been transmitted to Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Moved by Lamb, seconded by Sullivan, that the communication from His Excellency the Governor, regarding the election of United States Senators by popular vote, be referred to the Committee on Privileges and Elections,

with a request to draft and to submit to this House a resolution similar to the one submitted.

• Carried.

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#### GENERAL ORDERS.

The House then began consideration of the General Orders.

Day moved, seconded by Fine, that the House take a recess until 9:30 a. m. to-morrow.

Matts moved, seconded by Sullivan, that the House adjourn until 11:30 a. m. to-morrow.

Carried.

C. R. CRAIG,  
Chief Clerk.



## THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 8th, 1899.

House met at 10:30 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

### PETITIONS.

Petitions were presented and read as follows:

By Marcyes:

From residents of Custer County, praying for the creation of the County of Rosebud. Referred to Committee on Townships and Counties.

By Woods:

From residents of Ravalli County, protesting against Garr's bill licensing gambling. Referred to the Committee on Ways and Means.

By Cooney:

From residents of Meagher County, asking to have a change made in the lines and boundaries of Meagher and Cascade Counties. Referred to the Committee on Townships and Counties.

### NOTICES.

Notices of introduction of bills were given as follows:

By Lamb:

A bill for an act entitled an act to provide for the treatment of inebriates by counties, and prescribing rules governing the same.

By Gillette:

A bill for an act to annex a portion of Choteau County to the County of Cascade, and to alter the boundaries of said counties to conform thereto.

By Cooney:

A bill for an act entitled an act to amend Subdivision 78 of Section 4800, of the Political Code, relating to town and city printing.

## REPORT OF STANDING COMMITTEE.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred for correction House Bill No. 3, report that the bill be referred to the Committee on Engrossment for correction.

CRUTCHFIELD,  
Chairman.

Report adopted.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Townships and Counties respectfully report that they have had under consideration House Bill No. 112, a bill for an act to create the County of Rosebud, to define its boundaries and to provide for its organization, and recommend that the same be indefinitely postponed.

WATSON,  
Chairman.

It was moved that the report of the Committee be adopted. Marcyes moved, seconded by Gibson, as a substitute, that the bill be printed. Division was called for and more than one-third of the members having voted for the substitute, the bill was ordered printed.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Education desires to report as follows:

Several requests have been received by this committee, asking the appointment of special committees to visit the State University, State Agricultural College, State Normal School and State Reform School. Your committee desires to refer this matter to the House, with the recommendation that some action be taken.

STONE,  
Chairman.

The communication was received and placed on file.

Helena, Montana, February 3rd, 1899.

Mr. Speaker:

We, your Committee on Education, having had under consideration substitute for Senate Bill No. 13, introduced by Norris, entitled "A bill for an act providing that all graduates of the State Normal School of the State of Montana shall be entitled to teach in the public schools of the State without other or further examination," respectfully report the same back with the recommendation that the House concur in the same.

STONE,  
Chairman.

The report was adopted and Senate Bill No. 13 was placed upon the General Orders.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Internal Improvements, to whom House Bill No. 109 was referred, respectfully report the bill back with the recommendation that the bill be printed.

McLAUGHLIN,  
Chairman.

The report of the committee was adopted and the bill was ordered printed.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills numbered 49, 108 and 114, respectfully report the same back as properly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills placed on General Orders.

Helena, Montana, February 7th, 1899.

Mr. Speaker:

Your Committee on Incorporations and Manufactures, to whom was referred House Bill No. 132, report the same back with the recommendation that it be printed.

TOOLE,  
Chairman.

Report adopted.

Helena, Montana, February 7th, 1899.

Mr. Speaker:

Your Committee of the Whole, having had under consideration the following bills, instruct me to report as follows:

That Senate Bill No. 49 be concurred in.

That Senate Bill No. 12 be amended, and as amended the same be concurred in.

CRUTCHFIELD,  
Chairman.

The report was adopted and Senate Bill No. 49 was placed upon the file for third reading, and Senate Bill No. 12 was referred to Engrossing Committee for engrossment of amendments.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills Nos. 88, 89, 90, 93, 94, 96, 101, 102, 45, 46, 53, 2, 91 and 104, report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills were placed on General Orders.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bill No. 106, House Bill No. 8, House Bill No. 34, House Bill No. 25, House Bill No. 47, House Bill No. 13, report the same back as correctly engrossed.

COONEY,  
Chairman.

The report of the committee was adopted except in so far as it referred to House Bill No. 106, which bill was referred to the Printing Committee. House Bills Nos. 8, 34, 25, 47 and 13 were filed for third reading.

Helena, Montana, February 7th, 1899.

Mr. Speaker:

Your Committee on Incorporations and Manufactures, to whom was referred Senate Bill No. 42, respectfully report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

The report was adopted and the bill placed on General Orders.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bill No. 3, report the same back as correctly engrossed.

COONEY,  
Chairman.

The report was adopted and the bill ordered transmitted to the Senate for concurrence.

Helena, Montana, February 7th, 1899.

Mr. Speaker:

Your Committee on State Lands, having had under consideration House Bill No. 113, introduced by Losekamp, report the same back with the recommendation that it do pass.

STEPHENS,  
Chairman.

The report was adopted and the bill was referred to the Printing Committee.

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#### INTRODUCTION OF BILLS.

The following bill was introduced:

By Cooney:

House Bill No. 133—A bill for an act to annex a portion of Meagher County to the County of Cascade, and to alter the boundaries of said counties to conform thereto.

## READING OF HOUSE BILLS.

House Bill No. 133 was read first and second time and referred to Committee on Townships and Counties.

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## READING OF SENATE BILLS.

Senate Bill No. 36 was read first and second time and referred to Judiciary Committee.

Senate Bill No. 3 was read first and second time and referred to Judiciary Committee.

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## THIRD READING OF HOUSE BILLS.

House bill No. 106 was read a third time and by unanimous consent of the House was referred back to the Printing Committee.

House Bill No. 34 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Warren, Watson, Woods, Mr. Speaker. Total 63.

Absent—Fitzpatrick, Lindsay, Losekamp, Madden, Normoyle, Walsh and Wilson—7.

Title agreed to.

House Bill No. 13 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Conrow, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Long, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Swindlehurst, Truscott, Warren, Woods, Mr. Speaker. Total 53.

Noes—Burke, Cooney, Hutchinson, Kelly of Silver Bow, Moran, Sullivan, Sweeney. Total 8.

Absent—Clifford, Fitzpatrick, Lamb, Losekamp, Madden, Normoyle, Walsh, Watson, Wilson—9.

Title agreed to.

House Bill No. 47 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Matts, McLaughlin, McLeod, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Woods, Mr. Speaker. Total 59.

Noes—Lindsay, Martin, Metlen, Truscott—4.

Absent—Clifford, Fitzpatrick, Lamb, Madden, Normoyle, Watson, Wilson—7.

The title was amended and agreed to.

House Bill No. 8 was read a third time and passed by the following Ayes:

Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, O'Brien, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker. Total 66.

Absent—Fine, Fitzpatrick, Metlen and Parker—4.

Title agreed to.

House bill No. 25 was read a third time and passed by the following vote:

Ayes—Beasley, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Eversole, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, Metlen, More, Murray, O'Brien, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—57.

Noes—Bennett, Day, Hill, Hutchinson, Kelly of Silver Bow, Lamb, McLeod, Moran, Normoyle, Truscott—10.

Absent—Fine, Fitzpatrick, and Parker—3.

Title agreed to.

Moved by Day, seconded by Phelps, that the amendments agreed to in

the Committee of the Whole to substitute for Senate Bill No. 6 be considered engrossed, and the bill be placed upon its third reading.

Carried.

Upon motion, the House took a recess until 2 p. m.

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#### AFTERNOON SESSION.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Substitute for Senate Bill No. 6 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—69.

Absent—Fitzpatrick—1.

Title agreed to.

Senate Bill No. 49 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—69.

Absent—Fitzpatrick—1.

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#### COMMUNICATIONS.

The following communications were read:

Helena, Montana, February 7th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Anderson:

Senate Bill No. 63—A bill for an act to appropriate money to H. J. Kelly, assistant Sergeant at Arms of the Montana Senate, for expenses incurred in services rendered to the Joint Investigating Committee of the Sixth Legislative Assembly, in serving orders, subpoenaing witnesses and procuring evidence for said committee.

By Cullen:

Senate Bill No. 64—A bill for an act to amend Article II, of Chapter XIII, of the Political Code of Montana, relating to classification of licenses, by adding a new section thereto, known as Section No. 4080, imposing a license on travelling-solicitors for retail orders for goods, wares and merchandise.

By Hannah:

Senate Bill No. 65—A bill for an act to amend Section 4233, Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to county printing, and to provide for a change in the method in the letting of contracts for the same.

By Myers:

Senate Bill No. 66—A bill for an act to amend Section No. 1480, of Title XI, Chapter I, of the Code of Civil Procedure of Montana, relating to place of trial of actions in justices courts.

By Myers:

Senate Bill No. 67—A bill for an act to allow County Attorneys fees in certain criminal prosecutions.

By Myers:

Senate Bill No. 68—A bill for an act to provide for the publication by County Treasurers of verified lists of all licenses collected by County Treasurers for the benefit of their several counties.

By Myers:

Senate Bill No. 69—A bill for an act to provide for the election of an additional justice of the peace in each county of the State of Montana, and to prescribe his qualifications and duties.

By Myers:

Senate Bill No. 70—A bill for an act to provide for the creation of irrigation districts and supervisors and for the proper distribution of irrigating waters amongst different owners and users thereof.

By Anderson:

Senate Bill No. 71—A bill for an act to annex a portion of Meagher County to the County of Cascade, and to alter the boundary lines of Meagher and Cascade Counties to conform thereto.

That notices of bills to be introduced were given as follows:

By Mahan:

A bill for an act entitled an act requiring non-residents to pay a license for hunting or fishing within any county in this State.



By Gruwell:

A bill for an act to extend and define the boundaries of Yellowstone County and to alter the boundaries of Fergus County to conform thereto, and to amend Section 4119 of the Political Code, relating to the boundaries of Yellowstone County.

By Myers:

A bill for an act to require owners and managers of all irrigating ditches taken out of natural streams to keep screens at the heads of such ditches from the 1st day of August to the 1st day of December of each year.

By McKay:

A bill for an act to amend Chapter VIII, Title X, Part III, of the Political Code of the State of Montana, by adding thereto a Section 3927, providing for payment of delinquent taxes on personal property with county warrants.

By Geiger:

A bill for an act to amend Section 3611 of the Political Code of the State of Montana, relating to the location of mining claims and fixing the boundaries thereof.

That House Bill No. 15 has been indefinitely postponed by the Senate.

That the Senate has passed Senate Bill No. 36 and Senate Bill No. 37, and same has been transmitted to the Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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#### GENERAL ORDERS.

The House went into Committee of the Whole for consideration of House Bill No. 30 and Senate Bills Nos. 8 and 11.

Toole in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Toole, chairman of the Committee of the Whole, was granted time to report.

Moved by Lamb, seconded by Stephens, that the House adjourn until 10:30 a. m. to-morrow.

Carried.

C. R. CRAIG,  
Chief Clerk.

## THIRTY-NINTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 9th, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PETITIONS.

Petitions were presented and read as follows:

By Kelley, C. F.:

From the Silver Bow Trades and Labor Assembly of Butte, asking for the passage of House Bill No. 35.

Referred to the Committee on Privileges and Elections.

By Lamb:

From about 200 residents of Silver Bow County, for the passage of House Bill No. 35.

Referred to Committee on Privileges and Elections.

By Lindsay:

From stockmen and residents of Yellowstone County, praying to maintain the bounty upon coyotes of \$5.

Referred to Committee on Agriculture and Stockgrowing.

By Potting:

From about 40 residents of Montana, praying for the defeat of House Bill No. 68.

Referred to Ways and Means Committee.

By Paul:

From residents of Beaverhead County, praying for the defeat of House Bill No. 68.

Referred to Committee on Ways and Means.

By Losekamp:

From residents of Yellowstone County, praying for the defeat of House Bill No. 68.

Referred to Committee on Ways and Means.

By Swindlehurst.

From residents of Yellowstone County, praying for the defeat of House Bill No. 68.

Referred to Committee on Ways and Means.

The following notices of bills were given:

By Luddy:

A bill for an act to provide for the inspection of petroleum oil, and for the appointment of a State Oil Inspector.

By Stephens:

A Bill for an act to add to Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, an additional section, which shall be designated as Section 4085, relating to licenses, and providing for licensing clothiers, haberdashers and other persons selling goods in this State having no fixed place of business.

By Day:

A bill for an act entitled an act amending Section 893, Code of Civil Procedure, relating to the writ of attachment.

By Paul:

A bill for an act entitled an act relating to insurance.

By Losekamp:

A bill for an act entitled an act for the relief of Troop A, N. G. M.

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#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Helena, Montana, February 9th, 1899.

Mr. Speaker:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 59, a bill for an act to require railroad, railway, stage and other transportation companies to file with the Secretary of State a list of the names of all State and county officers to whom passes or other evidence of free transportation are given, and providing a penalty for failure so to do, introduced by Long, have had the same under consideration and respectfully report the same back with the recommendation that the further consideration of the same be indefinitely postponed.

MATTS,  
Chairman.

The report was adopted and House Bill No. 59 was indefinitely postponed.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

Your Committee on Education, having had under consideration House Bill No. 69, introduced by Losekamp, entitled "A bill for an act to establish county free high schools, and to provide for their maintenance," report that they have submitted a substitute for said bill and recommend that the substitute do pass.

STONE,  
Chairman.

The report was adopted and the substitute for House Bill No. 69 was ordered printed.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 52, 55, 58, 66 and Senate Bill 32, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills were placed upon General Orders.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Incorporations and Manufactures, to whom was referred House Bill 111, respectfully report the same back with the recommendation that it be indefinitely postponed.

TOOLE,  
Chairman.

On motion of Lindsay, the bill was ordered printed.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 62, being a bill for an act to amend Section 4082 of the Political Code of the State of Montana, recommend that consideration of the same be indefinitely postponed.

LEWIS,  
Chairman.

Upon motion of Day, House Bill No. 62 was ordered printed.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration petitions from Victor and East Helena, petitioning that the Sixth Legisla-

tive ssembly defeat the passage of House Bill No. 68, refer the same back to the House and recommend that they be placed on file.

LEWIS,  
Chairman.

The report was adopted.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 72, being a bill for an act to repeal an act approved March 16th, 1895, whose provisions constitute Section 4061 of Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, recommend that the same do pass.

LEWIS,  
Chairman.

The report was adopted and House Bill No. 72 was ordered printed.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 126, introduced by McGee, entitled "A bill for an act entitled an act to provide a penalty for taking up, riding and working certain animals, without due authority," beg leave to suggest that said bill be referred to the Committee on Stockgrowing and Agriculture.

Also, having had under consideration House Bill No. 118, entitled "A bill for an act entitled an act amending Section 4333, of Chapter III, of Article I, of the Political Code, relating to bonds of County Officers, introduced by Truscott, beg leave to recommend that said bill be printed.

Also, having had under consideration House Bill No. 117, entitled "A bill for an act providing for the submission to the qualified electors of the State of Montana of an amendment to Sections 10 and 11, Article IX, of the Constitution, relating to the qualifications of County Superintendents of Schools," introduced by More, beg leave to report said bill back, with the recommendation that it be indefinitely postponed.

Also, having had under consideration House Bill No. 54, entitled "A bill for an act to confer certain powers upon any society organized for the purpose of providing homes for homeless children, and upon County Commissioners and justices of the peace, in regard to the care for indigent children," introduced by Day, beg leave to report said bill back with the recommendation that it be printed.

Also, having had under consideration House Bill No. 127, introduced by Magee, entitled "A bill for an act to amend Section 4336, of the Political Code of Montana, relating to quarterly reports of county officers, justices of the peace and constables," recommend that said bill be indefinitely postponed.

Also, having had under consideration Senate Bill No. 28, beg leave to suggest that said bill be referred to Committee on Affairs of Cities.

Also, having had under consideration Senate Joint Resolution No. 1, introduced by Committee on Judiciary, entitled "An act to provide for the registration of land titles in the State of Montana, and to simplify and facilitate the transfer of real estate, which said bill is commonly known as the "Torrens System" of land transfers," beg leave to report back said resolution with the recommendation that it be concurred in.

Also, having had under consideration Senate Bill No. 35, introduced by Riddell, beg leave to recommend that said bill be indefinitely postponed.

Also, having had under consideration Senate Bill No. 41, introduced by Hoffman, beg leave to recommend that said bill be concurred in.

CRUTCHFIELD,  
Chairman.

The report of the Judiciary Committee was adopted in full.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 68, introduced by Garr, being a bill for an act to license and regulate certain gambling games, and fixing penalties for the violation thereof, have amended the same in accordance with the amendments which are attached to the original bill, enclosed herewith, a majority of your committee recommend that the bill as amended do pass .

LEWIS,  
Chairman.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

We, a minority of the Ways and Means Committee, to whom was referred House Bill No. 68, "A bill for an act to license and regulate certain gambling games, and fixing penalties for the violation thereof," beg leave to submit the following minority report:

Believing that the re-enactment of any gambling law would be detrimental to the welfare of our citizens, and that the licensing of gambling in any form would be a disgrace to our State, we would earnestly recommend that further consideration of House Bill No. 68 be indefinitely postponed.

WILLIAM LINDSAY.  
E. H. COONEY.

Woods, seconded by Hedges, moved the adoption of the minority report. Lewis moved as a substitute, duly seconded, that the bill be printed.

A roll call was demanded and the substitute motion was carried by the following vote:

Ayes—Bennett, Bonner, Boylan, Burke, Bywater, Clifford, Crutchfield, Finlen, Flinn, Gallwey, Hill, Hutchinson, Kelley of Cascade, Kuphal, Lamb, Lewis, Luddy, Madden, Magee, Matts, McLaughlin, Moran, Murray, Normoyle, O'Brien, Phelps, Stapleton, Stephens, Stone, Sullivan, Sweeney, Truscott, Walsh, Warren, Wilson—35.

Noes—Beasley, Black, Cooney, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hedges, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Lindsay, Long, Losekamp, Marcyes, Martin, McLeod, Metlen, More, Parker, Paul, Potting, Sands, Shovlin, Swindlehurst, Toole, Woods, Mr. Speaker—32.

Absent—Fitzpatrick, Lockhart, Watson—3.

And the bill was ordered printed.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Senate Bill No. 12, reports the same back as correctly engrossed.

COONEY,  
Chairman.

The report of the committee was adopted and Senate Bill No. 12 was placed on the calendar for third reading.

Helena, Montana, February 8th, 1899.

Mr. Speaker:

The Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First—That we have had under consideration Senate Bill No. 8, and report the same back with the recommendation that the bill be not concurred in.

Second—That we have had under consideration House Bill No. 30, and report the same back with the recommendation that it do pass.

Third—That we have had under consideration Senate Bill No. 11, and report the same back with the recommendation that it be concurred in as amended.

All of which is respectfully submitted.

TOOLE,  
Chairman.

The report of the Committee was adopted and Senate Bill No. 8 was indefinitely postponed.

House Bill No. 30 was ordered engrossed and Senate Bill No. 11 placed on file for third readings.

#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Lamb, by request:

House Bill No. 134—A bill for an act entitled an act to provide for the treatment of inebriates by counties and prescribing the same.

By Bywater:

House Bill No. 135—A bill for an act entitled an act to amend Sections 3,

5, 6 and 8, of an act approved March 8th, 1897, repealing certain sections of the Penal Code of the State of Montana, and to provide further protection to birds, fish and fur-bearing animals and game, and to add two sections thereto.

By Cooney:

House Bill No. 136—A bill for an act to amend Subdivision 78, of Section 4800, of the Political Code, relating to town and city printing.

By Committee on Ways and Means:

House Bill No. 137—A bill for an act to provide for the support of the government of the State of Montana for the fiscal years 1899 and 1900.

By Gillette:

House Bill No. 138—A bill for an act to annex a portion of Choteau County to the County of Cascade, and to alter the boundaries of said counties to conform thereto.

Mr. Speaker made the following announcement:

The following Representatives, Matts, Wilson, Sweeney, Lindsay and Kelley of Cascade, have this day been appointed to act with a like number of Senators as a Steering Committee, in accordance with Joint Rule No. 22.

Upon motion of Gibson, duly seconded, the House took a recess until 2 p. m.

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#### AFTERNOON SESSION.

The House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

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#### FIRST READING OF HOUSE BILLS.

House Bill No. 134 was read first and second time and referred to Committee on Irrigation and Water Rights.

House Bill No. 135 was read first and second time by title only, under suspension of the rules, and referred to Committee on Fish and Game.

House Bill No. 136 was read first and second time and referred to Committee on Affairs of Cities.

House Bill No. 137 was read first and second time and referred to Committee on Judiciary.

House Bill No. 138 was read first and second time and referred to Committee on Townships and Counties.



## COMMUNICATIONS FROM THE SENATE.

The following communication was received and read:

Helena, Montana, February 8th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Committee on Elections and Privileges:

Senate Bill No. 72—A bill for an act appropriating money for the relief of J. H. Geiger.

By Myers:

Senate Bill No. 73—A bill for an act to require owners and managers of irrigating ditches to keep screens at the head of such ditches from the 1st day of August to the 1st day of December, of each year.

By McKay:

Senate Bill No. 74—A bill for an act to amend Chapter VIII, Title X, Part III, of the Political Code of the State of Montana, by adding thereto a section numbered 3927, providing for the payment of delinquent taxes on personal property with county warrants.

By Geiger:

Senate Bill No. 75—A bill for an act entitled an act to amend Section 3611 of the Political Code of the State of Montana, relating to the location of mining claims, and the fixing of the boundaries thereof.

By Gruwell:

Senate Bill No. 76—A bill for an act to extend and define the boundaries of Yellowstone County, and to alter the boundaries of Fergus County to conform thereto, and to amend Section 4119 of the Political Code, relating to the boundaries of Yellowstone County.

The following Joint Memorial was introduced:

By Phillips:

Senate Joint Memorial No. 4—In relation to the pasturing of sheep and other live stock upon the forest reserves within the State of Montana.

Notice of a Joint Memorial was given:

By Anderson:

A Joint Memorial praying Congress for a constitutional amendment providing for election of United States Senators by direct vote of the people.

That the Senate has concurred in House Bills Nos. 22, 12 and 37, and the same have been transmitted to Chief Clerk.

That House Bill No. 7 has been amended, and as so amended concurred, and transmitted to Chief Clerk.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bills Nos. 22, 12 and 37 were ordered enrolled.

House Bill No. 7 was read as amended and the amendments were concurred in and the bill was ordered enrolled.

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### THIRD READING OF SENATE BILLS.

Senate Bill No. 12 was read third time and concurred in by following vote:

Ayes—Beasley, Black, Bonner, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Hedges, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Long, Losekamp, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—56.

Noes—Bennett, Gibson, Gillette, Hill, Hutchinson, Lockhart, Luddy, McLeod, Metlen, Truscott—10.

Absent—Boylan, Fitzpatrick, Garr, Lamb—4.

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### CONSIDERATION GENERAL ORDERS.

The House went into Committee of the Whole for the consideration of substitutes Nos. 1 and 2, of House Bill No. 36 and House Bill No. 42.

Paul in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Paul, Chairman Committee of the Whole, asked and was granted time to report.

Stone moved, seconded by Normoyle, that House adjourn until 10:30 a. m. to-morrow. The motion was lost.

The House again resolved itself into Committee of the Whole for the consideration of House Bills Nos. 43, 51 and 71.

Paul in the Chair.

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The House resumed.

Mr. Speaker in the Chair.

Paul, Chairman, asked and was granted time to report.

Clifford moved, seconded by Normoyle, that the House adjourn until 10:30 a. m. to-morrow.

Upon a division being demanded, the motion was lost by a vote of 21 to 42.

The House again resolved itself into Committee of the Whole, for the consideration of House Bills Nos. 38, 1 and 50.

Day in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Day, Chairman of the Committee of the Whole, asked and was granted further time in which to report.

Moved by Eversole, seconded by Fine, that the House adjourn.

Roll call being demanded, the motion prevailed by a vote of 37 to 19.

C. R. CRAIG,  
Chief Clerk.

## FORTIETH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 10th, 1899.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PETITIONS.

Petitions were presented as follows:

By Crutchfield:

From residents of Ravalli County, praying for the defeat of House Bill No. 68.

By Martin:

From residents of Bozeman, praying for the defeat of House Bill No. 68.

By Day:

From residents of Lewis and Clarke, asking for the defeat of House Bill No. 68.

By Hutchinson, by request:

From residents of Lewis and Clarke County, asking for the passage of House Bill No. 35.

By Gallwey:

From citizens of Silver Bow County, asking for the passage of House Bill No. 35.

By O'Brien:

From residents of Madison County, praying for the repeal of the bounty on wild animals.

By Conrow:

From residents of Livingston, asking for the defeat of House Bill No. 68.

By Clifford:

From residents of Silver Bow County, asking for the passage of House Bill No. 35.

By Kelley, C. F.:

From residents of Silver Bow, asking for the defeat of House Bill No. 68.

By Hill:

From residents of Jefferson County, praying for the defeat of House Bill No. 68.

By Woods:

From residents of Ravalli County, asking for the defeat of House Bill No. 68.

By Matts:

From residents of Deer Lodge County, praying for the defeat of House Bill No. 68.

By Hutchinson:

From residents of Lewis and Clarke, asking for the passage of House Bill No. 35.

By Cooney:

From residents of Cascade County, praying for the passage of House Bill No. 35.

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#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 10th, 1899.

Mr. Speaker:

Your Committee on Enrollment herewith returns House Bill No. 7, ordered enrolled February 9th, 1899.

It has been amended in the Senate and is returned to be properly engrossed by them.

MADDEN,  
Chairman.

The report of the committee was adopted and the bill was ordered returned to the Senate for correct engrossment.

Helena, Montana, February 10th, 1899.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 124, introduced by Day, entitled 'A bill for an act to amend Section 1723, of Chapter I, Title XIII, Part II, of the Code of Civil Procedure, relating to appeals to the Supreme Court, respectfully report the same back with the recommendation that it be printed.

CRUTCHFIELD,  
Chairman.

The report of the committee was adopted and the bill was ordered printed.

Helena, Montana, February 10th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 57, 132 and 70, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report of Committee was adopted and the bills were placed on General Orders.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

We, your Committee on Federal Relations, report that we have considered House Joint Memorial No. 1, introduced by Truscott, relating to the appointment of a Special Indian Commission to act upon part of the Fort Peck Indian Reservation, and recommend that the same be printed.

Also, that we have considered House Joint Memorial No. 2, introduced by Garr, relating to the destruction of a reef of rocks on the Pend d'Oreille River, and recommend that the same be printed.

Also, that we have considered Senate Joint Memorial No. 2, introduced by Worden, relating to the opening of a portion of the Flathead Indian Reservation in Missoula County, Montana, and recommend that the same be concurred in.

STAPLETON,  
Chairman.

The report of the Committee was adopted and House Joint Memorials Nos. 1 and 2 were ordered printed.

Senate Joint Memorial No. 2 was placed upon the General Orders.

Helena, Montana, February 10th, 1899.

Mr. Speaker:

Your Committee on Privileges and Elections, to whom was referred House Bill No. 35, "A bill for an act providing for the submission to the qualified electors of Montana, etc., respectfully report the same back with the recommendation that the same be printed.

GALLWEY,  
Chairman.

The report of the Committee was adopted.

Helena, Montana, February 10th, 1899.

Mr. Speaker:

Your Committee on Privileges and Elections, to whom was referred Senate Bill No. 21, a bill for an act to amend Section 4613 of the Political Code of the State of Montana, relating to fees for issuance of naturalization papers, respectfully report the same back with annexed amendment and recommend concurrence in the same as amended.

GALLWEY,  
Chairman.

The report of the Committee was adopted and the bill was placed upon General Orders .

Helena, Montana, February 10th, 1899.

Mr. Speaker:

We, your Committee on Education, having had under consideration House Bill No. 121, introduced by Sweeney, entitled "A bill for an act to enable the State of Montana to purchase 300 maps for State and school purposes," report the same back with the recommendation that it be printed.

STONE,  
Chairman.

The report of the committee was adopted.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

The Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First—That we have had under consideration House Bill No. 43, and report the same back with the recommendation that it do pass.

Second—That we have had under consideration House Bill No. 51, and report the same back with accompanying amendment, and recommend that the bill do pass as amended.

Third—That we have had under consideration House Bill No. 71, and report the same back with accompanying amendment, and recommend that the bill as amended do pass.

PAUL,  
Chairman.

There being no amendments offered or objections made to the report, the same was adopted, whereupon the Chair stated that the question was whether the bills should be engrossed and read a third time, which question was determined in the affirmative, and House Bills 43, 51 and 71 were ordered engrossed.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

The Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First—That we have had under consideration Substitute No. 11, for House Bill No. 36, and report the same back with amendments, and recommend that the bill be passed as amended.

Second—That we have had under consideration Substitute No. 2 for House Bill No. 36, and report the same back with the recommendation that it be referred to the Judiciary Committee, with instructions to draft a new bill, incorporating therein the substance of the amendments attached thereto.

Third—That we have had under consideration House Bill No. 42, and that we report the same back with the recommendation that the bill do pass.

PAUL,  
Chairman.

There being no amendments offered or objections made to the report, the same was adopted, whereupon the Chair stated that the question was whether the bills should be engrossed and read a third time, which question was determined in the affirmative and Substitute No. 1 for House Bill 36 was ordered engrossed.

Substitute No. 2 for House Bill No. 36 was recommitted to the Judiciary Committee with instructions to draft a new bill.

House Bill No. 42 was ordered engrossed.

Helena, Montana, February 9th, 1899.

Mr. Speaker:

The Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First—That we have had under consideration House Bill No. 38, and report the same back with the recommendation that the bill be indefinitely postponed.

Second—That we have had under consideration House Bill No. 1, and we report the same back with the recommendation that the bill do pass.

All of which is respectfully submitted.

DAY,  
Chairman.

Upon motion of Day, seconded by Lewis, House Bill No. 38, was recommended to the Committee of the Whole for the purpose of amendment.

Wilson moved, seconded by Toole, that House Bill No. 1 be amended as follows:

Amend Section 592 by adding thereto the following amendment after line No. 17: "but nothing herein shall prevent or preclude the co-tenant or joint tenant not joining in the operation of such mining property from receiving his, its or their proportionate share of all ore or ores on the dump, upon demand or tendering payment of the actual cost of the mining of same.

Day arose to a point of order, claiming that the amendment was not in order.

Mr. Speaker ruled the point of order not well taken.

Mr. Speaker then put the question upon Wilson's motion to amend, and the motion prevailed by the following vote:

Ayes—Beasley, Bonner, Boylan, Burke, Clifford, Cooney, Crutchfield, Finlen, Gallwey, Garr, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Madden, Matts, Moran, Murray, Normoyle, O'Brien, Paul, Potting, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Warren, Watson, Wilson, Woods, Mr. Speaker—37.



Noes—Bennett, Black, Bywater, Conrow, Day, Eversole, Fine, Flinn, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Johnson, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, More, Parker, Phelps, Sands, Shovlin, Truscott, Walsh—32.

Absent—Fitzpatrick—1.

Wilson moved, seconded by Day, that the report of the Committee of the Whole be adopted as amended. The motion prevailed and House Bill No. 1 was ordered engrossed as amended and placed upon the calendar for third reading.

Mr. Speaker gave notice that he was about to sign Senate Bill No. 49 and Senate Joint Memorial No. 1.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Day:

House Bill No. 139—A bill for an act to amend Section 893 of the Code of Civil Procedure of the State of Montana, relating to the writ of attachment.

By Stephens:

House Bill No. 140—An act to add to Article II, Chapter XIII, Title X, Part III, of the Political Code of the State of Montana, one additional Section, which shall be designated as Section 408, relating to licenses and providing for the licensing of clothiers, haberdashers, and other persons selling goods in this State, having no fixed place of business.

By Luddy:

House Bill No. 141—An act to provide for the inspection of petroleum oil and for the appointment of a State Oil Inspector.

Paul moved, seconded by Stone, that the House adjourn until 11 a. m. Monday.

Eversole moved, seconded by Toole, in amendment, that the House adjourn until 2 p. m. Monday.

The amendment prevailed.

C. R. CRAIG,  
Chief Clerk.

## FORTY-FIRST DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 13th, 1899.

House met pursuant to adjournment at 2 p. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PRESENTATION OF PETITIONS.

Petitions were presented as follows:

By Stone:

From residents of Missoula County, praying for the passage of House Bill No. 35.

Referred to Committee on Privileges and Elections.

By Marcyes:

From residents of the proposed county of Rosebud, asking for the creation of that county.

Referred to the Committee on Townships and Counties.

By Ingersoll:

From taxpayers of the County of Custer, opposing the formation of Rosebud County.

Referred to the Committee on Townships and Counties.

By Stephens:

From residents of Missoula County, asking for the passage of House Bill No. 35.

Referred to the Committee on Privileges and Elections.

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### NOTICES.

The following notices of bills to be introduced were given:

By Fine:

A bill for an act abolishing the office of Reporter of the Supreme Court.

requiring the persons who may be Justices of said Court to report decisions, and fixing their duties and their compensations.

By Hedges:

A bill for an act entitled an act relating to the investment of school funds of the school districts of the State.

By Hedges:

A bill for an act entitled an act relating to the practice of osteopathy in the State of Montana.

By Lewis:

A bill entitled an act to amend an act to amend Section 1, of an act entitled "An act to establish a tax on direct and collateral inheritances, bequests and devises; to provide for its collection and direct the disposition of its proceeds," approved March 4th, 1897.

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#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Helena, Montana, February 13th, 1899.

Mr. Speaker:

Your Committee on Printing beg leave to report back House Bills 106, 78, 109, 113, 54, 72, 111, 118 and 124 as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills were placed on General Orders.

Helena, Montana, February 13th, 1899.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 37, 22 and 12 as correctly enrolled.

MADDEN,  
Chairman.

The report was received and adopted and Mr. Speaker gave notice to the House that he was about to sign House Bills Nos. 37, 22 and 121, and the bills were then duly signed in the presence of the House.

Helena, Montana, February 13th, 1899.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred Senate Bills Nos. 44 and 46, respectfully report the same back with the recommendation that they be concurred in.

PAUL,  
Chairman.

The report was adopted and the bills were placed upon General Orders.

Helena, Montana, February 13th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bills No. 1, No. 42, No. 30, No. 43, and Senate Bill No. 11, report the same back as correctly engrossed.

COONEY,  
Chairman.

The report of the committee was adopted and the bills named were placed upon the Calendar for third reading.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Black, without previous notice:

House Bill No. 142—A bill for an act to amend Section 4664, Subdivision 15, of Article II, Chapter XIII, Part III, Title X, of the Political Code of the State of Montana, relating to licenses.

By Paul:

House Bill No. 143—A bill for an act amending Sections 670 and 681, of the Civil Code of the State of Montana, relating to the duties of stock and mutual insurance corporations and their agents.

By Paul:

House Bill No. 144—A bill for an act to amend an act entitled an act to provide for the licensing of insurance companies, associations and sureties doing business in the State of Montana, approved March 4th, 1897.

By Losekamp:

House Bill No. 145—A bill for an act appropriating money for the payment of certain persons for time, services and expenses, after having been called by the Governor, and while waiting to be mustered into the army of the United States for the year 1898.

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#### READING OF HOUSE BILLS.

House Bill No. 139 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 140 was read a first and second time and referred to Committee on Ways and Means.

House Bill No. 141 was read a first and second time and referred to Committee on Incorporations and Manufactures.

House Bill No. 142 was read a first and second time and referred to Committee on Ways and Means.

House Bill No. 143 was read a first and second time and referred to Committee on Insurance.

House Bill No. 144 was read a first and second time and referred to Committee on Insurance.

House Bill No. 145 was read a first and second time and referred to Committee on Military Affairs.

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#### READING OF SENATE BILLS.

Senate Bill No. 38 was read a first and second time and referred to Committee on Highways.

Senate Bill No. 39 was read a first and second time and referred to Committee on Fish and Game.

Senate Bill No. 43 was read a first and second time and referred to Committee on Education.

Senate Bill No. 50 was read a first and second time and referred to Committee on Affairs of Cities.

Senate Substitute for House Bill No. 20 was read a first and second time and referred to Committee on Judiciary.

House Joint Resolution No. 4 was read a first and second time and referred to Committee on Judiciary.

House Resolution No. 5 was read a first and second time and referred to Committee on Printing.

Stapleton asked permission at this time to present a petition urging the paassage of House Bill No. 35.

Permission granted and petition referred to Committee on Privileges and elections.

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#### MESSAGES FROM THE GOVERNOR.

The following messages were received and read:

Helena, Montana, February 13th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

The Legislative Session is now rapidly drawing to a close and so far very little has been done toward improving the revenues for the General Fund of the State. The appropriations you are called upon to make should warn you of the absolute necessity of prompt and intelligent action to the end that the revenue may be increased to meet these imperative needs. I suggsted in my message several methods of increasing the revenue without imposing additional taxation, also several features wherein the expenses of the State could be reduced. If, however, these recommendations cannot

be enacted into laws, I would suggest that you pass an income tax law, taxing all incomes in excess of one thousand dollars a certain per cent, say one-half of one per cent. This would produce a very considerable revenue and there is certainly no more just or equitable system of taxation than this. None are so able to pay as those who have incomes, and the larger the income the more abundantly should each good citizen be willing to contribute to the support of the State that guarantees protection to his rights both of person and property. Before it is too late you should also provide for the proper application of the thirty thousand dollars covered into the treasury on account of charges of bribery. A reasonable time should be allowed for any one desiring to prove ownership to do so, and, after the expiration of that time, if not claimed, it should revert to the State for such purposes as in your wisdom may seem fit and proper.

Very respectfully,

ROBT B. SMITH,  
Governor.

On motion of Wilson, seconded by Paul, the communication was referred to the Committee on Ways and Means.

Helena, Montana, February 13th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

On the 10th of this present month the Montana Regiment of Volunteers were again called upon to do battle for "Our Flag," and from the press reports it is shown that they bore the burden of the fight and acquitted themselves gallantly. Twenty-four officers and men were wounded and one private killed. I trust your body will take such action as may be appropriate in public recognition of their gallant conduct.

Very respectfully,

ROBT B. SMITH,  
Governor.

On motion of Lindsay, seconded by Hedges, the Speaker appointed a special committee of three to draft suitable resolutions to conform thereto.

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#### COMMUNICATIONS.

The following communications were received and read:

Helena, Montana, February 9th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following Senate Joint Memorial was introduced:

By Anderson:

Senate Joint Memorial No. 5—Memorializing Congress for the election of United States Senators by a direct vote of the people.

That the following named Senators have been appointed by the President as members of the Joint Steering Committee: Hoffman, Norris, Eggleston, Cullen and McKay.

That the following have been indefinitely postponed.

Senate Bill No. 2.

Substitute for Senate Bill No. 3.

Senate Bill No. 4.

Senate Bill No. 5.

Senate Bill No. 16.

Senate Bill No. 18.

Senate Bill No. 19.

Senate Bill No. 20.

Senate Bill No. 27.

Senate Bill No. 33.

Senate Bill No. 40.

And Senate Bill No. 47.

That the following bills were introduced:

By Stanton:

Senate Bill No. 77—A bill for an act to prescribe the conditions upon which foreign corporations may do business in this State; to repeal Title II, of Part IV, of Division I, of the Civil Code; to repeal an act approved March 8th, 1893, whose provisions constitute Sections 1036, 1037, and 1038 of said Title II; and to repeal an act approved March 19th, 1895, whose provisions constitute Sections 1034 and 1035 of said Title II.

Notices of bills to be introduced were given as follows:

By Stanton:

A bill for an act relative to fire insurance companies doing business in this State; to determine the value of property totally destroyed by fire; to regulate the removal of causes from State to Federal Courts; and to prevent combinations to control insurance rates.

By Gruwell:

A bill for an act to amend Section 2074 of the Penal Code, relating to trial of defendants, jointly charged with a crime.

By Cullen:

A bill for an act to protect the owners of horses and cause inspection of the same.

That the Senate has concurred in House Bill No. 16, and same has been transmitted to Chief Clerk, and has passed Senate Substitute for House Bill No. 20 and Senate Bills Nos. 38, 39, 50 and 43, and same have been transmitted to Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bill 16 was ordered enrolled.

Helena, Montana, February 10th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Cullen:

Senate Bill No. 78—A bill for an act to protect the owners of horses and to cause the inspection of the same.

By Stanton:

Senate Bill No. 79—A bill for an act relating to fire insurance companies doing business in this State; to determine the value of property totally destroyed by fire; to regulate the removal of causes from State to Federal Courts; and to prevent combinations to control insurance rates.

By Gruwell:

Senate Bill No. 80—A bill for an act to amend Section 2074 of the Penal Code, relating to the granting of separate trials to defendants.

That notice of a bill to be introduced was given:

By Anderson:

A bill amending House Bill No. 75, of the Session Laws of the Fifth Legislative Assembly, relative to making settlement between the Commissioners of Cascade County and Meagher County.

That the Senate has concurred in your amendments to Substitute for Senate Bill No. 6.

And that the President of the Senate has signed Senate Joint Memorial No. 1 and Senate Bill No. 49.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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### THIRD READING OF HOUSE BILLS.

House Bill No. 1 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Bonner, Boylan, Bywater, Conrow, Cooney, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, McLaughlin, McLeod, Metlen, Moran, More, O'Brien, Parker, Paul, Phelps Sands, Shovlin, Stapleton, Stone, Sullivan, Swindlehurst, Toole, Truscott, Watson, Wilson, Woods, Mr. Speaker—53.

Noes—Burke, Clifford, Crutchfield, Gallwey, Lamb, Matts, Murray, Nor-



moyle, Potting, Stephens, Sweeney, Warren—12.

Absent—Black, Finlen, Fitzpatrick, Martin, Walsh—5.

Title agreed to.

House Bill No. 30 was read a third time and passed by the following vote:

Ayes:

Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—67.

Noes—None.

Absent—Finlen Fitzpatrick, Martin—3.

Title agreed to.

House Bill No. 42 was read a third time and passed by the following vote:

Ayes:

Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Warren, Watson, Woods, Mr. Speaker—64.

Noes—None.

Absent—Finlen, Fitzpatrick, Martin, Matts, Walsh, Wilson—6.

Title agreed to.

House Bill No. 43 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Woods, Mr. Speaker—60.

Noes—Gibson, Marcyes, McLeod—3.

Absent—Finlen, Fitzpatrick, Lindsay, Martin, Stapleton, Toole, Wilson—7.

Title agreed to.

Senate Bill No. 11 was read a third time and concurred in as amended by the following vote:

Ayes—Beasley, Burke, Clifford, Conrow, Cooney, Day, Eversole, Fine, Flinn, Gallwey, Gibson, Gillette, Hedges, Hill, Hutchinson, Jacqueth, Johnson, Kuphal, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Matts, McLaughlin, McLeod, Metlen, Moran, More, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst Truscott, Walsh, Mr. Speaker—43.

Noes—Black, Bennett, Bonner, Crutchfield, Flinn, Garr, Ingersoll, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Losekamp, Marcyes, Murray, Normoyle, Woods—16.

Absent—Boylan, Bywater, Finlen, Fitzpatrick, Lindsay, Martin, Stapleton, Toole, Warren, Watson, Wilson—11.

Title agreed to.

The Speaker announced the following as the special committee of three to whom was referred the message of the Governor relating to the Montana Regiment, as follows: Lindsay, Lamb, Hedges.

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#### CONSIDERATION OF THE GENERAL ORDERS.

The House resolved itself into Committee of the Whole for the consideration of House Bills Nos. 50 and 63 and Senate Bill No. 15, Hedges in the Chair.

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House resumed.

Mr. Speaker in the Chair.

On motion of Burke, seconded by Bywater, the House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## FORTY-FOURTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 14th, 1899.

The House met at 10:30 a. m. pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PETITIONS.

Petitions were presented as follows:

By Day:

From residents of Lewis and Clarke, praying for the defeat of House Bill No. 68.

By Swindlehurst:

From residents of Yellowstone County, praying for the defeat of House Bill No. 68.

By Ingersoll:

From residents of Custer County, protesting against the division of Custer County.

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### NOTICES.

Notice of introduction of bills was given as follows:

By the Committee on Ways and Means:

A bill for an act entitled "an act to amend Sections 3719 and 3738 of the Political Code of the State of Montana, relating to the assessment of property.

## REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bill 133, a bill for an act to annex a portion of Meagher County to the County of Cascade, and to alter the boundaries of said counties to conform thereto, respectfully report the same back and recommend that the same do pass.

WATSON,  
Chairman.

The report was adopted and the bill was ordered printed.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred the following petitions relative to the defeat of House Bill No. 68, viz: Petition No. 4, presented by Woods; Petition No. 5, presented by Losekamp; Petition No. 6, presented by Swindlehurst; Petition No. 7, presented by Paul, and Petition No. 8, presented by Paul, having had the same under consideration, report them back to the House with the recommendation that they be placed on file.

LEWIS,  
Chairman.

The report was adopted.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Substitute No. 1 for House Bill No. 36, House Bills Nos. 71 and 51, report the same back as correctly engrossed.

COONEY,  
Chairman.

The report was adopted and the bills placed on the Calendar for third reading.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration House Bill No. 129, report the same back with the recommendation that it do pass.

Also, having had under consideration House Bill No. 135, recommend that it be amended, and that so amended it do pass.

GILLETTE,  
Chairman.

The report was adopted and the bill was ordered printed as amended.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred Senate Bill No. 28, "A bill for an act to provide for vacating platted lands, town sites, additions to town sites, and parts thereof, and to restore the title of dedicated portions thereof to rightful owners," respectfully report the same back to the House with the recommendation that it be indefinitely postponed.

Also, that we have considered Senate Bill No. 50, "A bill for an act to amend Section 448 of the Civil Code of the State of Montana, relating to the meetings of stockholders and boards of directors of corporations," respectfully refer the same back to the House with the recommendation that it be concurred in.

SWEENEY,  
Chairman.

The report was adopted and Senate Bill No. 28 was indefinitely postponed. Senate Bill No. 50 was placed on General Orders.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred Substitute for House Bills 69, 112, 62, 68, 35 and 121, and House Joint Memorials 1 and 2, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills were placed upon General Orders.

The Joint Steering Committee, by Chairman Matts, reported as follows:

Helena, Montana, February 14th, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to submit the following report:

That all bills, resolutions and memorials now in the General Orders of the House shall be considered in the following order, to-wit:

- Senate Bill No. 9.
- Senate Bill No. 23.
- Senate Bill No. 24.
- Senate Bill No. 31.
- Substitute for Senate Bill No. 13.
- Senate Bill No. 42.
- Senate Bill No. 32.
- Senate Bill No. 41.
- Senate Joint Resolution No. 1.

Senate Joint Memorial No. 2.

Senate Bill No. 21.

Senate Bill No. 28.

Senate Bill No. 29.

Senate Bill No. 38.

Substitute for House Bill No. 33.

House Bill No. 60.

House Bill No. 61.

House Bill No. 79.

House Bill No. 80.

House Bill No. 82.

House Bill No. 83.

House Bill No. 84.

House Bill No. 85.

House Bill No. 86.

House Bill No. 87.

House Bill No. 81.

House Bill No. 92.

House Bill No. 95.

House Bill No. 97.

House Bill No. 98.

House Bill No. 99.

House Bill No. 100.

House Bill No. 103.

House Bill No. 86.

House Bill No. 89.

House Bill No. 93.

House Bill No. 94.

House Bill No. 96.

House Bill No. 101.

House Bill No. 102.

House Bill No. 91.

House Bill No. 104.

Signed, E. D. MATTS,

Chairman House Steering Committee.

Approved, C. W. HOFFMAN,

Chairman Senate Steering Committee.

Mr. Speaker ordered that the report of the Joint Steering Committee be placed on file, and announced that the consideration of General Orders would be as arranged in their report.

Hedges, Chairman of the Committee of the Whole, reported as follows:

Helena, Montana, February 13th, 1899.

Mr. Speaker:

The Committee of the Whole beg leave to report that, having had under consideration House Bill No. 50, we recommend that the enacting clause be stricken out; that House Bill No. 63 do pass; that Senate Bill No. 15 as amended do pass.

HEDGES,  
Chairman.

Toole moved that the report be amended by referring House Bill No. 50 back to the General Orders for further consideration in Committee of the Whole. The motion was seconded by Normoyle.

Upon a division being demanded the motion was lost by a vote of ayes 20 and noes 33.

The report of the Committee of the Whole was then adopted and House Bill No. 50 was indefinitely postponed.

House Bill No. 63 and Senate Bill No. 15 were referred to the Committee on Engrossment.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Committee on State Boards and Officers:

House Bill No. 146—A bill for an act providing for the appointment, qualification and salary of a Deputy State Treasurer, Deputy State Auditor and Deputy Secretary of State.

By Hedges:

House Bill No. 147—An act declaring that osteopathy is not the practice of Medicine and Surgery within the meaning of the provisions of Chapter XVI, Part III, Title I, of the Political Code, and relating to the practice of osteopathy in the State of Montana.

By Committee on Ways and Means:

House Bill No. 148—An act entitled an act to amend Section 1 of an act entitled an act to establish a tax on direct and collateral inheritances, bequests and devises; to provide for its collection, and direct the disposition of its proceeds, approved March 4th, 1897.

By Fine:

House Bill No. 149—A bill for an act abolishing the office of Reporter of the Supreme Court, requiring the persons who may be Justices of said Court to report decisions and fixing their duties and their compensation.

## READING OF HOUSE BILLS.

House Bill No. 146 was read a first and second time and referred to Committee on State Boards and Officers.

House Bill No. 148 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 149 was read a first and second time and referred to Committee on State Boards and Officers.

House Bill No. 147 was read a first and second time by title only, under suspension of the rules, and was referred to the Committee on State Boards and Officers.

## READING OF SENATE BILLS.

Senate Bill No. 48 was read a first and second time and was referred to Committee on Judiciary.

Senate Bill No. 55 was read a first and second time and referred to Committee on Judiciary.

Senate Bill No. 57 was read a first and second time and referred to Committee on Judiciary.

Senate Joint Memorial No. 3 was read a first and second time and referred to Committee on Federal Relations.

## THIRD READING OF HOUSE BILLS.

Substitute No. 1 for House Bill No. 36 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Clifford, Conrow, Crutchfield, Day, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Ingersol, Jacqueth, Kelley of Cascade, Kelley of Silver Bow, Kuphal, Lamb, Lockhart, Long, Luddy, Madden, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, O'Brien, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—52.

Noes—Eversole, Johnson, More—3.

Absent—Burke, Bywater, Cooney, Fitzpatrick, Hutchinson, Lewis, Lindsay, Losekamp, Magee, Normoyle, Stapleton, Stephens, Sweeney, Truscott—15.

Title agreed to.



## AFTERNOON SESSION.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

House Bill No. 51 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—61.

Noes—Black, Cooney, Swindlehurst, Toole—4.

Absent—Gillette, Hill, Lamb, Stapleton, Walsh—5.

Title agreed to.

House Bill No. 71 was read a third time and passed by the following vote:

Ayes—Beasley, Benett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Hedges, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—66.

Absent—Gillette, Hill, Hutchinson, Stapleton—4.

Title agreed to.

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COMMUNICATIONS.

The following communications were received and read:

Helena, Montana, February 14th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to transmit herewith a letter from the Director of the State Reform School which speaks for itself, as to the necessity of putting a new heating plant in that institution.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Referred to Committee on State Institutions, Public Buildings and Grounds.

Helena, Montana, February 13th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Hoffman, without notice:

Senate Bill No. 81—A bill for an act to segregate a portion of the County of Broadwater and attach it to the County of Gallatin, and to alter the boundaries of Broadwater and Gallatin Counties to conform thereto.

By Committee on Finance and Claims:

Senate Bill No. 82—A bill for an act to appropriate thirty thousand dollars unclaimed funds now in the hands of the State Treasurer for the benefit of different State institutions of the State of Montana, to-wit: For the State Normal School at Dillon, Montana; the University of the State of Montana; the Orphans' Home at Twin Bridges, Montana; the Deaf and Dumb Asylum at Boulder, Montana; the Reform School at Miles City, Montana; the School of Mines at Butte, Montana, and the Soldiers' Home.

By Hoffman, without notice:

Senate Bill No. 83—A bill for an act to amend Subdivision 2 of Section 4062 of the Political Code of the State of Montana, concerning licenses.

By Anderson:

Senate Bill No. 84—A bill for an act to amend Section 7 of an act of the Fifth Legislative Assembly entitled "An act to extend and define the boundaries of Cascade County and to alter the boundaries of Meagher County to conform thereto," approved March 1, 1897, in relation to the indebtedness of Cascade County to Meagher County.

By Norris, without notice:

Senate Bill No. 95—A bill for an act to prohibit fire insurance companies authorized to do business in the State of Montana from placing or causing to be placed except through duly licensed agents residents of this State, insurance or re-insurance on property situate in this State and providing penalties for violation of provisions hereof.

By Stanton:

Senate bill No. 86—A bill for an act to extend Chapter IV, Title VII, Part II, of the Code of Civil Procedure, relating to civil actions, by adding thereto a section to be numbered 926, and to provide for attachments prior to maturity of debts.

That notices of bills to be introduced were given as follows:

By Geiger:

A bill for an act to extend the boundaries of Flathead County and to alter the boundaries of Deer Lodge County to conform thereto.

By Geiger:

A bill for an act for the general government and management of the State Penitentiary at Deer Lodge, Montana.

By Tierney:

A bill for an act to amend an act entitled "An act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this Act," passed by the Fifth Legislative Assembly of the State of Montana, and approved by the Governor on the 4th day of March, 1897.

By Warner:

A bill for an act prohibiting railroad corporations or an association from making tunnel charges or additional charges for or on account of tunnels.

By Norris:

A bill entitled "An act relating to the dissolution, increase and decrease of capital stock of, and providing penalties for the breach of the banking laws by, banking associations, trust deposit and security corporations and savings banks, organized under the laws of Montana."

By Stanton:

A bill for an act to provide for the filing of contracts for the sale of personal property where the title is reserved in the vendor until purchase price is paid.

That the following Joint Resolution was introduced:

By Geiger:

Senate Joint Resolution No. 2—Disposing of the \$30,000 now in the hands of the State Treasurer for the comfort and aid of the Montana soldiers in the Philippines.

That Senate Bill No. 56 and House Bill No. 34 have been indefinitely postponed.

Also, that the Senate has passed Senate Joint Memorial No. 3, Senate Bill No. 55, Senate Bill No. 57, and Senate Bill No. 48, and that the same have been transmitted to Chief Clerk.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Mr. Speaker:

I am directed by the Senate to return to your honorable body House Bill No. 7, with amendment made by Senate attached, as per your request of 10th inst., and same has been again transmitted to Chief Clerk. Your concurrence to amendment is requested.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Mr. Speaker ordered the following to be read:

University of Montana, Missoula, Montana,  
February 13th, 1899.

To the House of Representatives, Helena, Montana:

Gentlemen—In order that the members of your honorable body may be present at the exercises, the building commission has deferred the dedication of the new buildings of the University of Montana until February 18, 1899.

A most cordial invitation is extended to every member of the House of Representatives to be present on that occasion and participate in the exercises. With much respect I am,

Yours very truly,

OSCAR J. CRAIG,  
President.

Stone, on behalf of the citizens of Missoula, informed the gentlemen of the House that the citizens of that city had secured a special train for the purpose and placed it at the disposal of the members of the House for the purpose of conveying them to that place.

Woods, seconded by Losekamp, moved that the House accept the invitation and that the members go in a body to Missoula, and that when the House adjourn on Friday next, it be until the Monday following.

Carried.

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#### COMMITTEE OF THE WHOLE.

The House resolved itself into a Committee of the Whole for the consideration of the General Orders.

Lamb in the Chair.

Mr. Speaker having announced that the bills named in the report submitted by the Joint Steering Committee at the morning session would be taken up in the order named, and the bills would therefore not be called by the Clerk.

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House resumed.

Mr. Speaker in the Chair.

Upon motion, duly seconded, the House then adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

**FORTY-FIFTH DAY.**

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**HOUSE OF REPRESENTATIVES.**

Helena, Montana, February 15th, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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**PETITIONS.**

Petitions were received and read as follows:

By Sullivan:

From residents of Phillipsburg, praying for the defeat of House Bill No. 38.

By Ingersoll:

From residents of Custer County, praying for the defeat of the Rosebud County bill.

By Hedges:

From residents of Montana, asking that the practice of osteopathy be permitted in Montana.

Referred to the Committee on Internal Improvements.

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**NOTICES.**

Notice of the introduction of bills was given as follows:

By Johnson:

A Joint Memorial asking for the passage of a free homestead act by the Senate and House of Representatives of the United States Congress.

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**REPORTS OF STANDING COMMITTEES.**

The following reports of Standing Committees were read:

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was referred House Bill No. 126, having had the same under consideration, respectfully report the same back to the House with the recommendation that the same do pass.

WOODS,  
Chairman.

The report was adopted and the bill ordered printed.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee on Engrossment begs to report as properly engrossed Senate Bill No. 15 and House Bill No. 63.

COONEY,  
Chairman.

The report was received and the bills were placed on the Calendar for third reading.

Mr. Speaker:

Your Committee on Engrossment ask leave of the House at this time to employ two additional clerks.

COONEY,  
Chairman.

Upon motion of Day, seconded by Cooney, the report was adopted and the Committee was given power to employ the two clerks asked for.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds, to whom was referred House Bill No. 120, respectfully report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

The report was adopted and the bill was ordered printed.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Labor, having had under consideration House Bill No. 105, introduced by Losekamp, entitled "A bill for an act to regulate the time of continuous service of certain employes on railroads, and providing a penalty for a violation of the provisions of this act," recommend that the same be indefinitely postponed.

MURRAY,  
Chairman.

The motion to adopt the report was lost by a vote of 25 to 3, and the bill was ordered printed.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was referred House Resolution No. 2, having had the same under consideration, respectfully report the same back to the House with the recommendation that it be indefinitely postponed.

WOODS,  
Chairman.

Moved by Phelps, seconded by Kelley C. F., that the report be adopted and the resolution be indefinitely postponed.

Moved as a substitute by Truscott, and seconded by Magee, that the report of the committee be rejected and the resolution passed.

Upon a division being demanded the amendment prevailed by a vote of 38 ayes to 14 noes. The original motion was lost.

Mr. Speaker announced that he would name the Committee asked for in the resolution later in the session.

Helena, Montana, February 14th, 1899.

Mr. Speaker:

The Committee of the Whole, having had under consideration General Orders, have instructed me to report as follows:

First—That we have had under consideration Senate Bill No. 9, and report the same back with the recommendation that the bill be indefinitely postponed.

Second—That we have had under consideration Senate Bill No. 23, and report the same back with the recommendation that the bill do pass.

Third—That we have had under consideration Senate Bill No. 24, and recommend that the bill be concurred in as amended, amendments attached hereto.

Fourth—That we have had under consideration Senate Bill No. 31, and report the same back with the recommendation that it be concurred in.

Fifth—That we have had under consideration Substitute for Senate Bill No. 13, and report the same back with the recommendation that it be concurred in.

Sixth—That we have had under consideration Senate Bill No. 42, and report the same back with the recommendation that the bill be concurred in.

Seventh—That we have had under consideration Senate Bill No. 32, and report the same back with the recommendation that it be concurred in, as amended.

Eighth—That we have had under consideration Senate Bill No. 41, and report the same back with the recommendation that it be concurred in.

Ninth—That we have had under consideration Joint Senate Resolution No. 1, and report the same back with the recommendation that it be concurred in.

Tenth—That we have had under consideration Senate Joint Memorial No. 2, and report the same back with the recommendation that it be concurred in.

Eleventh—That we have had under consideration Senate Bill No. 21, and report the same back as amended, and recommend that it be concurred in, as amended, amendments attached hereto.

All of which is respectfully submitted,

LAMB,  
Chairman.

Gibson moved, seconded by Fine, that Senate Bill No. 9 be concurred in. Lost by a vote of 21 ayes to 29 noes.

Senate Bills Nos. 23, 24, 31, 42 and Substitute for Senate Bill No. 13 were placed on the Calendar for third reading.

Wilson moved, seconded by Eversole, the following:

That Section No. 3, Senate Bill No. 32, be amended as follows:

Provided that such peace officer be a citizen of the United States and of the State of which said trespass occurs.

Upon a division being demanded the amendment was lost by a vote of 21 to 36, and Senate Bill No. 32 was placed on the Calendar for third reading.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report House Bills Nos. 7 and 16 as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker announced he would retain the bills for inspection and sign them later.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee on Military Affairs, having had under consideration House Bill No. 145, report the same back with the recommendation that it do pass.

GARR,  
Chairman.

The report was adopted and the bill was ordered printed.

Stephens asked unanimous consent to introduce several petitions from residents of Montana praying for a license upon peddlars. The consent was given and the petitions were presented and referred to the Committee on Ways and Means.

Senate Bill No. 41, Senate Joint Resolution No. 1 and Senate Joint Resolution No. 2 were placed on the Calendar for third reading.



Senate Bill No. 21 was ordered engrossed.

House Bill No. 145 was ordered printed.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee on Engrossment have employed Miss Sadie Dickens and Miss Nettie Kirkendall as clerks of said committee, in accordance with authority granted by the House.

COONEY,  
Chairman.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee, to whom was referred the message of his Excellency, the Governor, relating to taking action towards a public recognition of the gallant conduct of our soldiers in Manila, respectfully recommend that the accompanying resolution be adopted.

LINDSAY,  
Chairman.

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#### HOUSE JOINT RESOLUTION NO. —.

Be it Resolved, By the House of Representatives of the Sixth Legislative Assembly of Montana, the Senate concurring:

While regretting the necessity of turning the arms intended for their deliverance from Spanish oppression against the misguided natives of the Philippine Islands, the people of Montana have learned with grateful pride of the conspicuous gallantry displayed by the First Regiment of Montana Volunteers in recent conflicts near Manila.

Not only for its transcendent importance to our fast growing commerce on the Pacific, nor for the prodigal wealth of forest, soil and mines in this island empire of sunshine and showers is it precious to us, but also as the scene of American valor on sea and land, having been baptized with the blood of Montana's soldiery.

And be it Resolved, That in further appreciation of the honor conferred upon our State by the services and sacrifices of our brave volunteers that the House Committee on Appropriations is hereby directed to prepare a bill appropriating the sum of \$20,000 out of the unclaimed moneys in the State treasury to be devoted to regimental uses of the Montana Volunteers, that the dead may rest in honored graves, that the wounded may be afforded additional comforts to aid in their recovery, and that all may have some practical evidence of our grateful remembrance.

WILLIAM LINDSAY.  
WYLLYS A. HEDGES.

Lamb, of the select committee appointed by the Speaker for the

purpose of drafting suitable resolutions regarding the Montana soldiers in the Philippine Islands, presented the following minority report:

Helena, Montana, February 15th, 1899.

Mr. Speaker:

I desire to dissent from the last paragraph of the resolution as drafted and reported by the majority of your select committee, for the reason that I deem it to be in direct violation of the provisions of the Constitution of our State and opposed to the welfare and good order of our army and navy; and further, I believe it to be a sentimentalism born of a false conception of our duty to those who are voluntarily, manfully and heroically performing the high and sacred trust assumed by them.

LAMB.

Stephens moved, seconded by Kelly of Silver Bow, that the minority report presented by Lamb be adopted.

Walsh moved to take a recess until 2 p. m. Seconded by Fine.

Moved in amendment by Burke, and seconded by Jacqueth, that the House take a recess until 2:30 p. m.

The amendment prevailed.

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#### AFTERNOON SESSION.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Phelps asked unanimous consent to introduce a notice at this time. Consent being given, the following notice was given:

Helena, Montana, February 15th, 1899.

Mr. Speaker:

I hereby give notice that on to-morrow, or some subsequent day, I will introduce "A bill for an act to amend Section 1187, Chapter II, Title XV, of the Penal Code of Montana, relating to the driving away and dogging of cattle."

Mr. Speaker announced that the question pending before the House was upon the motion made by Stephens of Missoula, seconded by Kelly of Silver Bow, to adopt the minority report presented by Lamb of the select committee, which motion would have the effect, if adopted, of striking out the last paragraph of the resolutions presented by Lindsay.

Roll call being demanded, the motion of Stephens prevailed by the following vote:

Ayes—Bennett, Black, Boylan, Burke, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Hutchinson, Johnson, Kelly

of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Luddy, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, Paul, Potting, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—44.

Noes—Beasley, Bonner, Bywater, Clifford, Gibson, Hedges, Ingersoll, Kelley of Cascade, Lindsay, Long, Losekamp, Magee, Parker, Phelps, Truscott—15.

Absent—Conrow, Fitzpatrick, Gillette, Hill, Jacqueth, Madden, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin—12.

Moved by Lindsay, seconded by Hedges, that in the fifth line of the last paragraph the words "the unclaimed money" be stricken out and the words "any money in the State Treasury not otherwise appropriated," be inserted in lieu thereof. The motion was lost.

Eversole moved, seconded by Willson, that the resolutions be re-committed to the select committee with instructions to draft new resolutions having no reference to an appropriation.

Lamb moved as a substitute, seconded by Hedges, that the select committee be discharged and that the Speaker appoint a new select committee of five members, who shall be instructed to draft new resolutions in accordance with the recommendations of the Governor.

The substitute was carried.

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#### FIRST READING OF SENATE BILLS.

Senate Bill No. 45 was read a first and second time and referred to Committee on Agriculture and Stockgrowing.

Senate Bill No. 53 was read a first and second time and referred to Committee on Judiciary.

Senate Bill No. 61 was read a first and second time and referred to Committee on State Institutions, Public Buildings and Grounds.

Senate Bill No. 62 was read a first and second time and referred to Committee on Education.

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#### THIRD READING OF HOUSE BILLS.

House Bill No. 63 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Burke, Clifford, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gibson, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, Paul, Phelps, Potting, Stapleton, Stone, Sullivan, Sweeney,

Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—46.

Absent—Boylan, Bywater, Conrow, Cooney, Crutchfield, Finlen, Fitzpatrick, Gillette, Hedges, Hill, Jacqueth, Luddy, Madden, Marcyes, McLeod, Normoyle, O'Brien, Parker, Sands, Shovlin, Stephens, Sullivan, Watson—24.

Title agreed to.

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### THIRD READING OF SENATE BILLS.

Senate Bill No. 15 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gibson, Hedges, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, Parker, Paul Phelps, Potting, Stapleton, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—54.

Absent—Boylan, Conrow, Finlen, Fitzpatrick, Gillette, Hill, Jacqueth, Madden, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin, Stephens, Watson—16.

Title agreed to.

Senate Bill No. 23 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Bywater, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gibson, Hedges, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, Parker Paul, Phelps, Potting, Stapleton, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—54.

Noes—Black, Conrow, Finlen, Fitzpatrick, Gillette, Hill, Jacqueth, Madden, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin, Stephens—16.

Title agreed to.

Upon Senate Bill No. 24 being read a third time, Day arose to the point of order that the bill had not been engrossed with the amendments.

The point of order was sustained by the Speaker and Senate Bill No. 24 was referred back to the Engrossing Committee.

Senate Bill No. 31 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson,

Hedges, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kuphal, Lewis, Long, Losekamp, Luddy, Madden, Martin, McLaughlin, Metlen, Moran, More, Parker, Paul, Potting, Swindlehurst, Toole, Truscott, Walsh, Wilson, Woods, Mr. Speaker—42.

Noes—Kelley, C. F., Lamb, Lindsay, Matts, Phelps, Stapleton, Stone, Sullivan, Sweeney, Warren—10.

Absent—Bywater, Conrow, Fitzpatrick, Gillette, Hill, Jacqueth, Lewis, Lockhart, Magee, Marcyes, McLeod, Murray, Normoyle, O'Brien, Sands, Shovlin, Stephens—18.

Title agreed to.

Substitute for Senate Bill No. 13 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelley of Silver Bow, Kuphal, Lamb, Lewis, Losekamp, Luddy, Madden, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, Parker, Paul, Phelps, Potting, Stapleton, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—57.

Noes—Hedges, Lindsay, Long—3.

Absent—Bywater, Conrow, Fitzpatrick, Gillette, Hill, Jacqueth, Lockhart, Magee, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin, Stephens, Watson—16.

Title agreed to.

Senate Bill No. 42 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Hedges, Ingersoll, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Madden, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, Parker, Paul, Phelps, Potting, Stapleton, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—51.

Absent—Bywater, Conrow, Fitzpatrick, Gillette, Hill, Hutchinson, Jacqueth, Johnson, Lockhart, Magee, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin, Stephens, Sweeney, Watson—19.

Title agreed to.

Senate Bill No. 41 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Hedges, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Lamb, Long, Losekamp, Luddy, Madden, Martin, Matts, McLaugh-

lin, Metlen, Moran, More, Murray, Parker, Paul, Phelps, Potting, Stapleton, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Wilson, Woods, Mr. Speaker—49.

Noes—Lewis, Lindsay—2.

Absent—Bywater, Fitzpatrick, Gillette, Hill, Jacqueth, Kuphal, Lockhart, Magee, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin, Stephens, Sweeney, Warren, Watson—19.

Title agreed to.

Senate Joint Resolution No. 1 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Cooney, Crutchfield, Day, Eversole, Finlen, Flinn, Garr, Gibson, Hedges, Hutchinson, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Long, Losekamp, Luddy, Madden, Martin, McLaughlin, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Stapleton, Stone, Swindlehurst, Toole, Truscott, Wilson—40.

Noes—Burke, Clifford, Gallwey, Lindsay, Matts, Moran, Sullivan, Warren, Woods, Mr. Speaker—10.

Absent—Bywater, Conrow, Fine, Fitzpatrick, Gillette, Hill, Ingersoll, Jacqueth, Lockhart, Magee, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin, Stephens, Sweeney, Walsh, Watson—20.

Title agreed to.

Mr. Speaker gave notice that he was about to sign House Bills Nos. 7 and 16.

Senate Joint Resolution No. 2 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Cooney, Crutchfield, Day, Eversole, Finlen, Flinn, Gallwey, Garr, Hedges, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Madden, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, Parker, Paul, Phelps, Potting, Stapleton, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—49.

Absent—Bywater, Conrow, Fine, Fitzpatrick, Gibson, Gillette, Hill, Hutchinson, Jacqueth, Lockhart, Luddy, Magee, Marcyes, McLeod, Normoyle, O'Brien, Sands, Shovlin, Stephens, Sweeney, Watson—21.

Title agreed to.

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#### COMMUNICATIONS.

The following communication was received and read:

Helena, Montana, February 14th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Norris:

Senate Bill No. 87—A bill for an act relating to the dissolution, increase and decrease of capital stock of, and providing penalties for the breach of the banking laws by, banking associations, trust, deposit and security corporations, and savings banks, organized under the laws of Montana.

By Tierney:

Senate Bill No. 88—A bill for an act to amend an act entitled "An act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof and to provide for the enforcement thereof and to repeal all laws in conflict with this act," passed by the Fifth Legislative Assembly of the State of Montana, and approved by the Governor on the 4th day of March, 1897.

By Geiger:

Senate Bill No. 89—A bill for an act entitled an act to extend the boundaries of Flathead County and to alter the boundaries of Deer Lodge County to conform thereto.

By Geiger:

Senate Bill No. 90—A bill for an act entitled "An act for the general government and management of the State Penitentiary at Deer Lodge, Montana."

By Stanton:

Senate Bill No. 91—A bill for an act to provide for the filing of contracts, notes and instruments for the sale of personal property where title is to remain in the vendor until purchase price is paid.

That notice of a bill to be introduced was given as follows:

By Worden:

A bill for an act entitled an act to amend Sections 3924 and 3925 of the Political Code of the State of Montana, relating to sale of property for taxes.

That Senate Bills Nos. 76, 59 and 60 were indefinitely postponed.

That the enacting clause was stricken out of Senate Bill No. 26.

That the Senate has concurred in your amendments to Senate Bills Nos. 11 and 12.

That the Senate has passed Senate Bills Nos. 45, 53, 61 and 62, and same have been transmitted to the Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

The Chair announced the following as the select committee appointed to draft resolutions regarding the services of the Montana soldiers in the Philippine Islands: Lamb, Lindsay, Hedges, Stone and Cooney.

Upon motion of Burke, seconded by Bennett, the House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## FORTY-SIXTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 16th, 1899.

House met at 10:30 a. m., pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Journal of the previous day's session was read and approved.

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### PETITIONS.

Petitions were presented and read as follows:

By Toole:

From residents of Deer Lodge County, praying for passage of House Bill 35.

Referred to Committee on Privileges and Elections.

By Lindsay:

From residents of Silver Bow, praying for the defeat of House Bill No. 68.

By Ingersoll:

From residents of Custer County, protesting against the creation of the proposed Rosebud County.

Referred to Committee on Townships and Counties.

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### NOTICES.

Notices of introduction of bills were given as follows:

By Bennett:

A bill for an act entitled an act providing for the submission to the electors of the State of Montana for their approval or rejection an amendment to Section 6, Article XIII, of the Constitution of the State of Montana, relative to the constitutional limit of indebtedness for cities, towns, townships or school districts.



By Paul:

A bill for an act to amend Section 4062 of the Political Code of the State of Montana, relating to licenses.

By Lewis:

A bill entitled a bill to amend Section 414 of the Civil Code of Montana.

By Metlen:

A bill for an act entitled an act to annex a portion of Madison County to Beaverhead County, and to alter the boundary lines of Madison and Beaverhead Counties to conform thereto.

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#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were presented and read:

Helena, Montana, February 16th, 1899.

Mr. Speaker:

Your Committee on Affairs of Cities, to whom was referred House Bill No. 136, after due consideration of said bill, report the same back to the House with the recommendation that it do pass.

Also, to whom was referred House Bill No. 17, after due consideration of the same, respectfully report the same back as amended, with the recommendation that it do pass.

SWEENEY,  
Chairman.

The report was adopted and the bills ordered printed.

Helena, Montana, February 16th, 1899.

Mr. Speaker:

Your Committee on Internal Improvements, who have had under consideration House Bill No. 147, recommend that the bill be amended, and do pass as amended.

McLAUGHLIN,  
Chairman.

The report was adopted and the bill as amended was ordered printed.

Helena, Montana, February 16th, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of bills, resolutions and memorials now on General Orders in the House, and that said Order shall be as follows, until otherwise ordered, to-wit:

Senate Bill No. 41.

Senate Bill No. 46.

Sentae Bill No. 50.  
House Bill No. 132.  
House Bill No. 124.  
Substitute for House Bill No. 33.  
House Bill No. 78.  
House Bill No. 38.  
House Bill No. 28.  
House Bill No. 29.  
House Bill No. 60.  
House Bill No. 61.  
House Bill No. 79.  
House Bill No. 80.  
House Bill No. 82.  
House Bill No. 83.  
House Bill No. 84.  
House Bill No. 85.  
House Bill No. 86.  
House Bill No. 87.  
House Bill No. 81.  
House Bill No. 92.  
House Bill No. 95.  
House Bill No. 97.  
House Bill No. 98.  
House Bill No. 99.  
House Bill No. 100.  
House Bill No. 103.  
House Bill No. 90.  
House Bill No. 88.  
House Bill No. 89.  
House Bill No. 93.  
House Bill No. 94.  
House Bill No. 96.  
House Bill No. 101.  
House Bill No. 102.  
House Bill No. 91.  
House Bill No. 104.  
House Bill No. 45.  
House Bill No. 70.  
House Bill No. 113.  
House Bill No. 106.  
House Bill No. 121.

Signed, E. D. MATTS,  
Chairman House Steering Committee.  
Approved, C. W. HOFFMAN,  
Chairman Senate Steering Committee.

The report was ordered filed.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, having had under consideration House Bill No. 73, "A bill for an act requiring life and accident insurance companies, associations and societies doing business in the State of Montana, to have a paid-up capital," have amended the same in accordance with the amendments herewith, and as amended recommend that the bill do pass.

Also, Having had under consideration House Bill No. 142, a bill for an act to amend Section 4064, Subdivision 15, of Article II, Chapter XIII, Part III, Title X, of the Political Code of the State of Montana, relating to licenses, recommend that the same be indefinitely postponed.

Also, Having had under consideration House Bill No. 131, "A bill for an act to amend Section 4063 of the Political Code of the State of Montana, relating to licenses, and in view of the fact that the provisions of said bill have been incorporated in Substitute for House Bill No. 116, do recommend that further consideration of House Bill No. 131 be indefinitely postponed.

Also, Having had under consideration House Bill No. 140, report in lieu thereof a bill designated as Substitute for House Bill No. 140, and recommend that such Substitute be printed.

Also, Having had under consideration House Bill No. 116, "A bill for an act to amend Sections 4063, 4064, 4065, 4068, 4075, 4079, 4083 and 4084 of the Political Code of the State of Montana, relating to licenses, and to repeal an act entitled "An act to amend Sections 4063, 4064, 4065, 4068 and 4083 of the Political Code of Montana, and to add to Article II, Chapter XII, Title X, Part III, of the Political Code, a section to be numbered 4084, regarding licenses," approved March 6th, 1897, and in lieu thereof desire to offer substitute for House Bill No. 116, herewith, and to recommend that the substitute bill do pass.

LEWIS,  
Chairman.

The report was adopted and House Bill 73 and substitute for House Bill 140 and 116 were ordered printed, and House Bills 142 and 131 were indefinitely postponed.

Helena, Montana, February 16th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Senate Bills Nos. 21, 24 and 32, begs to report the same back as properly engrossed.

COONEY,  
Chairman.

The report was adopted and the bills were placed upon the Calendar for third reading.

Mr. Speaker:

Your Committee on Highways, having had under consideration House

Bill No. 107, and Senate Bill No. 1, beg leave to recommend that said bills be indefinitely postponed.

Also, Having had under consideration House Bill No. 5, beg leave to recommend that said bill be indefinitely postponed, and in its stead herewith submit a Substitute for said bill to be known as Substitute for House Bill No. 5, and recommend that said substitute be printed.

Also, Having had under consideration Senate Bill No. 38, beg leave to recommend that said bill be indefinitely postponed, and in its stead herewith submit a substitute for same, to be known as House Substitute for Senate Bill No. 38, and recommend that said substitute be printed.

O'BRIEN,  
Chairman.

The report was adopted in full.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 36, introduced by Clark, entitled "A bill for an act to amend Section 3996, Title XV, Chapter I, Article I, of the Civil Code of the State of Montana, relating to negotiable instruments," have amended the same, and that as amended said bill do pass.

Also, Having had under consideration Senate Bill No. 14, introduced by Judiciary Committee, entitled "A bill for an act to amend Section 264 of Article VIII, Chapter II, of the Political Code of Montana, relating to the examination of witnesses before any committee of the Legislative Assembly," beg leave to recommend that the consideration of same be indefinitely postponed for the reason that in our opinion said bill is unconstitutional.

Also, Having had under consideration Senate Substitute for House Bill No. 20, introduced by Judiciary Committee, entitled "A bill for an act to amend Sections 2585 and 2588, Chapter III, Title IV, Part IV, Division III, of the Civil Code of the State of Montana, relating to the legal rate of interest," beg leave to recommend that said bill be concurred in.

Also, Having had under consideration Senate Bill No. 29, introduced by Stanton, entitled "A bill for an act to amend Section 200, Chapter I, Title VII, Part I, of the Penal Code, relating to the attendance and examination of witnesses in matters of bribery and corruption, at any hearing, proceeding or investigation," beg leave to recommend that the consideration of same be indefinitely postponed, for the reason that in our opinion said bill is unconstitutional.

Also, Having had under consideration Senate Bill No. 37, introduced by Cullen, entitled "A bill for an act entitled an act providing for the dividing of counties into districts and the election of County Commissioners from said district," beg leave to recommend that the consideration of same be indefinitely postponed, for the reason that in our opinion said bill is unconstitutional.

Also, Having had under consideration Senate Bill No. 57, introduced by

Myers, entitled "A bill for an act to repeal Section 4061, of Part III, Title X, Chapter XIII, Article II, of the Political Code of Montana, relating to licenses," beg leave to suggest that the bill be referred to the Ways and Means Committee.

Also, Having had under consideration House Bill No. 146, introduced by Committee on State Boards and Officers, entitled "A bill for an act providing for the appointment, qualification and salary of a Deputy State Treasurer, Deputy State Auditor and Deputy Secretary of State," beg leave to recommend that the same do pass.

Also, Having had under consideration House Bill No. 125, introduced by Day, entitled "A bill for an act to cure defects in deeds and conveyances, heretofore made to real property, that are defective in execution on acknowledgement, and to cure defects in judicial sales of real property, and sales of lands and personal property by executors, administrators and guardians," beg leave to recommend that the same do pass.

Also, Having had under consideration House Joint Resolution No. 4, introduced by Bywater, beg leave to recommend that the consideration of same be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

The report of the committee was adopted in full.

Mr. Speaker:

We, your Committee on Judiciary, having under consideration Senate Bill No. 48, introduced by Stanton, entitled "A bill for an act to create a lien on personal property, in or upon rented premises, for rents due, and to provide a remedy for the enforcement thereof."

House Bill No. 115, introduced by Stapleton, entitled "A bill for an act to amend Section 712, of the Penal Code of the State of Montana, relating to crimes against the public health and safety,"

House Bill No. 110, introduced by Day, entitled "An act entitled an act relating to garnishment of public officials, and to amend Section 925 of the Code of Civil Procedure of the State of Montana,"

House Bill No. 77, introduced by Bennett, entitled "A bill for an act entitled an act to provide for the forfeiture of lands held by foreign corporations contrary to law, beg leave to report that we recommend that the consideration of same be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

Helena, Montana, February 16th, 1899.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration Senate Bill No. 48, relating to liens on personal property for rents due, and the majority of said committee having decided to recommend the indefinite postponement of said bill, I desire to present this minority report with the recom-

mentation that said bill be placed on general orders for the consideration of the House. I make this report because the unfavorable recommendation of the majority is not based on any objection as to the legality of the measure, and I feel that the entire House should be permitted to consider and determine the merits of said bill.

Respectfully,

STAPLETON.

Swindlehurst moved, seconded by Paul, that the minority report be adopted.

Upon division being demanded, the motion was lost by a vote of 25 ayes to 32 noes.

The majority report of the Judiciary Committee relative to Senate Bill No. 48 was adopted and the bill was indefinitely postponed.

Sweeney moved, seconded by Bennett, that House Bill No. 77 be printed. Lost.

The report as to the indefinite postponement of House Bills Nos. 115, 110 and 77 was then adopted.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 55, introduced by Myers, entitled "A bill for an act to repeal Section 935, of Title VII, Chapter IV, of the Code of Civil Procedure, relating to attachments," beg leave to report that we recommend the consideration of the same be indefinitely postponed.

CRUTCHFIELD,

Chairman.

The report was adopted and the bill was indefinitely postponed.

Helena, Montana, February 16th, 1899.

Mr. Speaker:

We, your Committee on Enrollment, beg leave to report that House Bills Nos. 7, 12, 16, 22 and 37 have this day been presented to the Governor for his signature.

MADDEN,

Chairman.

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#### REPORTS OF SELECT COMMITTEES.

Lamb, chairman of the Select Committee on Resolutions, presented the following report:

Helena, Montana, February 16th, 1899.

Mr. Speaker:

Your committee, to whom was referred the message of his Excellency, the Governor of the State of Montana, relating to the Montana Regiment of

Volunteers, beg leave to submit the accompanying resolution for its adoption or rejection by the House of Representatives.

LAMB,  
Chairman.

Helena, Montana, February 16th, 1899.

Whereas, The House of Representatives of the Sixth Legislative Assembly of the State of Montana has received from his Excellency, the Governor, official information regarding the brilliant record made by the Soldiers of the First Montana Infantry in the recent engagement in the Philippines, and

Whereas, These soldiers are representatives of Montana's citizenship, coming from range and ranch, from store and smelter, from farm and forest, from mine and office, and

Whereas, Their conspicuous bravery and gallantry upon the field of battle adds glory to their State, their home no less than themselves and the regiment, therefore be it

Resolved, By the House of Representatives of the Sixth Legislative Assembly, that we make formal expression of our appreciation of the heroic conduct of our boys in blue; that we rejoice in their victory, so handsomely won; that we extend our sincere sympathy to the families of those who fell in the battle and to the brave boys now lying in the hospitals in that remote land, suffering from wounds received in the engagements around Manila. "Cheers for the living and tears for the dead." And be it further

Resolved, That copies of these resolutions be transmitted to Colonel Kessler and the company commanders of the regiment, and that the House join in the cable message to be sent to the Regiment by the Senate.

EDWIN M. LAMB.  
E. H. COONEY.  
WILLIAM LINDSAY.  
W. A. HEDGES.  
A. L. STONE.

Upon motion of Hedges, seconded by Lindsay, the resolutions were adopted as read and the clerk was ordered to transmit to the Montana Regiment abroad the message of congratulation and condolence.

#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Bennett, by request, without notice:

House Bill No. 150—An act providing for the submission to the electors of the State of Montana for their approval or rejection an amendment to Section 6, of Article XIII, of the Constitution of the State of Montana, relative to the constitutional limit of indebtedness for cities, towns, townships or school districts.

By Ways and Means Committee:

House Bill No. 151—A bill for an act entitled an act to amend Section 410 of the Political Code of Montana, relating to the fees of the Secretary of State.

By Phelps:

House Bill No. 153—A bill for an act to amend Section 1187, Chapter II, Title XV, of the Penal Code of Montana, relating to the driving away and dogging of cattle.

By Ways and Means Committee:

House Bill No. 152—A bill for an act entitled an act to amend Sections 3719 and 3728, of the Political Code of Montana, relative to the assessment of property.

By Hedges:

House Bill No. 154—A bill for an act entitled an act to authorize and provide for the investment of the permanent school funds, permanent University funds and other land grant funds held by the State Treasurer of the State of Montana, and to authorize the State Treasurer, with the advice and consent of the State Board of Land Commissioners, to make such investment.

By Committee on Appropriations:

House Bill No. 155—An act appropriating money for the payment of a claim of a certain person or corporation, account of balance due on contract for constructing the Eastern Penitentiary in the year 1895.

Also House Bill No. 156—An act appropriating money for the payment of claims of certain persons for services account of taking testimony in the case of the State of Montana vs. Booth and Wines in the year 1898.

Also House Bill No. 157—A bill for an act appropriating money for the payment of the claim of a certain person for expenses incurred in transporting prisoners to the penitentiary in the year 1897.

Stephens asked unanimous consent to introduce a bill without previous notice.

Lindsay objected.

Stephens asked permission to give notice at this time of his intention to introduce a bill. Consent was given.

Stephens introduced the following notice.

A bill for the legal disposition of the \$30,000 now in the hands of the State Treasurer, in trust, to be disposed of according to law.

Upon motion of Garr, seconded by Bennett, the House then took a recess until 2 p. m.



## AFTERNOON SESSION.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

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FIRST READING OF HOUSE BILLS.

House Bill No. 150 was read a first and second time and referred to Committee on Privileges and Elections.

House Bill No. 151 was read a first and second time and referred to Committee on Ways and Means.

House Bill No. 152 was read a first and second time and referred to Committee on Ways and Means.

House Bill No. 153 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 154 was read a first and second time and referred to Committee on State Lands.

House Bill No. 155 was read a first and second time and referred to Committee on Appropriations.

House Bill No. 156 was read a first and second time and referred to Committee on Appropriations.

House Bill No. 157 was read a first and second time and referred to Committee on Appropriations.

Substitute for House Bill No. 115 was read a first and second time and referred to Committee on Printing.

House Joint Memorial No. 3 was read a first and second time and referred to Committee on Federal Relations.

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COMMUNICATIONS.

The following communications were received:

Helena, Montana, February 15th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Warner:

Senate Bill No. 92—A bill for an act prohibiting railroad corporations or an association from making tunnel charges or additional charges for or on account of tunnels.

By Worden:

Senate Bill No. 93—A bill for an act to amend Sections 3924 and 3925 of

the Political Code of the State of Montana, relating to the sale of property for taxes.

By Mahon, without notice:

Senate Bill No. 94—A bill for an act entitled an act to amend Section 649, Part III, Title I, Chapter III, Article XVIII, of the Political Code of the State of Montana, relating to the pharmaceutical laws.

That the following Joint Memorial was introduced:

By Geiger, without notice:

Senate Joint Memorial No. 6—In relation to an appropriation for the improvement of the channel of the Kootenai river.

That the Senate has indefinitely postponed Senate Bills Nos. 67 and 64.

That the President has signed Substitute for Senate Bill No. 6.

That the Senate has adopted Senate Joint Resolution No. 3 and same has been transmitted to Chief Clerk for your concurrence.

That the Senate has concurred in House Bills Nos. 3 and 8, and same have been transmitted to Chief Clerk.

That the Senate has passed Senate Bills Nos. 63, 66, 68, 72 and 75 and same have been transmitted to Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 115, which said bill was reported back with the recommendation that the same be indefinitely postponed, beg leave to submit and introduce a substitute for said House Bill No. 115 and recommend that the same do pass.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill was ordered printed.

Helena, Montana, February 15th, 1899.

To the Honorable Speaker and Members of the House, Sixth Legislative Assembly:

You are hereby notified that the Historical Library will be open on Sundays from 1 p. m. to 4 p. m., at which time you are cordially invited to call and inspect the rooms, if you have not had an opportunity before to do so.

WM. B. HUNDLEY,  
President Board of Trustees.

THOS. C. BACH,  
Secretary.

The communication was ordered filed.

Helena, Montana, February 16th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day signed and approved House Bill No. 7, being an act entitled "An act providing a lien for boarding and lodging house keepers, and to amend Section 2502 of the Civil Code, and repeal Section 2511 of the Civil Code," and

House Bill No. 12, being an act entitled "An act to amend Section 2434, in Article III, of Chapter III, of Title XII, of Part III, of the Code of Civil Procedure of the State of Montana, relating to the appointment of administrators of the estates of deceased persons," and

House Bill No. 16, being an act entitled An act empowering the Board of School Trustees of any district to establish and maintain free kindergartens for the instruction of children between three and six years of age, and

House Bill No. 37, being an act entitled "An act to repeal an act entitled "An act to prevent the sale of liquors on credit," approved March 1st, 1897.

Very respectfully,

ROB'T B. SMITH,

Governor.

Helena, Montana, February 16th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I am constrained to return without my approval House Bill No. 22, a bill appropriating \$405.70 for the relief of William J. Fransham for care and attention furnished to John A. Allen, for the following reasons:

Allen was deputy sheriff of Gallatin County at the time he received the wound from which he died. He was an officer in the employ of the county, and if while in the discharge of his duty he became injured or incapacitated so that he could not provide for himself, he was, under Section 3203 of the Political Code, entitled to support and care from the county. Every obligation, both moral and legal, rests upon the county to pay this claim, or at least any just claim for the care and attention to Allen, and there is no obligation on the State to furnish such aid. Again, this bill is in direct conflict with Section 29, Article V, of the Constitution, which declares: "No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law, except as may be otherwise provided herein."

There is no pretence in this case that there was any contract or law or authority for this claim, previous to the rendition of the services, made with any one authorized to contract the indebtedness.

This claim being clearly in violation of the Constitution, and a claim that should be paid by the county, I am constrained to return this bill without my approval.

Very respectfully,

ROB'T B. SMITH,

Governor.

## FIRST READING OF SENATE BILLS.

Senate Bill No. 63 was read a first and second time and referred to Committee on Appropriations.

Senate Bill No. 66 was read a first and second time and referred to Committee on Judiciary.

Senate Bill No. 168 was read a first and second time and referred to Committee on Judiciary.

Senate Bill No. 72 was read a first and second time and referred to Committee on Appropriations.

Senate Bill No. 75 was read a first and second time and referred to Committee on Ways and Means.

House Bills Nos. 3 and 8 were ordered enrolled.

Senate Joint Memorial No. 3 was read a first and second time and Lindsay moved, duly seconded, that the House concur therein.

Carried.

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THIRD READING OF SENATE BILLS.

Senate Bill No. 21 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Conrow, Cooney, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Long, Luddy, Madden, Magee, Marcyes, Martin, McLaughlin, Metlen, Moran, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Wilson, Woods—51.

Noes—Burke, Kelly of Silver Bow, Lamb, Lewis, Lindsay, Losekamp, Matts, McLeod, Stephens, Stone, Warren, Watson, Mr. Speaker—13.

Absent—Clifford, Crutchfield, Lockhart, O'Brien, Shovlin, Stapleton—6.

Title agreed to.

Senate Bill No. 24 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Flinn, Gallwey, Garr, Gibson, Gillette, Hill, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—60.

Noes—Hedges, Hutchinson, Johnson, Sullivan, Sweeney—5.

Absent—Clifford, Fitzpatrick, Lockhart, O'Brien, Shovlin—5.

Title agreed to.

Senate Bill No. 32 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Day, Fine, Fitzpatrick, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay Long, Losekamp, Luddy, Madden, Magee, Marcyes, Matts, McLaughlin, Parker, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Toole, Truscott, Walsh, Warren, Mr. Speaker—45.

Noes—Conrow, Cooney, Crutchfield, Eversole, Finlen, Flinn, Gibson, Gillette, Martin, McLeod, Metlen, Moran, More, Murray, Normoyle, Paul, Swindlehurst, Watson, Wilson, Woods—20.

Absent—Boylan, Clifford, Lockhart, O'Brien, Shovlin—5.

Title agreed to.

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#### COMMITTEE OF THE WHOLE.

The House then resolved itself into Committee of the Whole for the consideration of General Orders.

Stone in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Stone, chairman of the Committee of the Whole, asked and was granted time to report.

Mr. Speaker then announced that the pending question was upon House Bill No. 22: "Shall the bill pass, notwithstanding the veto of the Governor?"

The bill was lost by the following vote:

Ayes—Bennett, Bywater, Cooney, Eversole, Fine, Fitzpatrick, Flinn, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, McLeod, Moran, Parker, Phelps, Potting, Sands, Shovlin, Stapleton, Truscott, Walsh, Warren, Wilson, Mr. Speaker—35.

Noes—Black, Bonner, Boylan, Burke, Clifford, Conrow, Crutchfield, Day, Finlen, Gallwey, Garr, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Madden, Marcyes, Metlen, More, Murray, Normoyle, Paul, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Watson, Woods—32.

Absent—Beasley, Lockhart, O'Brien—3.

Mr. Speaker appointed Ingersoll, Woods, Phelps and Lindsay as members of the Special Investigating Committee, provided for in Truscott's resolution.

Stone asked to be excused from attendance at to-morrow's session. Excuse granted.

Upon motion of Hutchinson, seconded by Finlen, the House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

**FORTY-SEVENTH DAY.**

HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 17th, 1899.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The House met at 10:30 a. m. pursuant to adjournment.

The Journal of the previous day's session was read and approved.

O'Brien was indefinitely excused on account of sickness.

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**PETITIONS.**

Petitions were presented and read as follows:

By Stephens:

From merchants at Anaconda praying for licensing retail merchants selling from sample.

By Crutchfield:

From residents of Missoula, asking for the passage of House Bill No. 35.

By Ingersoll:

From taxpayers of Custer County, protesting against the passage of the Rosebud County bill.

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**NOTICES.**

The following notice of introduction was given:

By Hutchinson:

A bill for an act entitled an act to tax dogs in incorporated cities and towns in Montana.

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**REPORTS OF STANDING COMMITTEES.**

The following reports of Standing Committees were received and read:

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 137, introduced by the Committee on Ways and Means, entitled a bill for an act to

provide for the support of the government of the State of Montana, for the fiscal years 1899 and 1900, respectfully report the same back with the recommendation that the same be printed.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill was ordered printed.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Senate Bill No. 36, begs to report the same as properly engrossed.

COONEY,  
Chairman.

The report was adopted and the bill was placed on General Orders.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Enrolment ask permission of the House to appoint three clerks.

MADDEN,  
Chairman.

Upon motion of Hutchinson, seconded by Hedges, permission was given the Committee on Enrollment to employ three clerks.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

We, your Committee on Education, having had under consideration Senate Bills Nos. 43 and 62, report the same back with the recommendation that they be concurred in.

Also, We have considered House Bill No. 130 and report the same back with the recommendation that it be indefinitely postponed, as the same is covered in Senate Bill No. 43.

STONE,  
Chairman.

The report was adopted and Senate Bills Nos. 43 and 62 were placed on General Orders and House Bill No. 130 was indefinitely postponed.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee on Ways and Means desire to make report of the action taken by it upon those portions of the Annual Message of his Excellency, Governor R. B. Smith, which were referred to this Committee by your Special Committee, as follows:

Relative to that portion of the message found at the top of page 7 of the printed copy thereof, bearing on the subject of the Inheritance Tax law, we wish to report that a bill embodying the Governor's ideas has been prepared and is now before the House for consideration;



Relative to that portion of the message found at the top of page 8, relative to capital stock of corporations, a bill has been prepared embodying his ideas, and the same is before the House for consideration;

Relative to that portion of his message under the head of "Second," found on pages 8 and 9, we have made an exhaustive and careful investigation of this matter, having had the views of some of the most prominent bankers of the State relative thereto, and find that his suggestions are impracticable;

Relative to that portion of his message designated "Third," found on page 9, an amendment of the laws regulating the assessment of property, in the shape of a bill, has been prepared by your Committee, and is now before the House for consideration;

Relative to that portion of his message found on pages 9 and 10, regarding the clearing up of an apparent ambiguity of the laws creating the State and County Boards of Equalization, we have considered this matter carefully in all its phases, and in our opinion it is not advisable to attempt to change the ambiguity, if the ambiguity exists;

Relative to that portion of his message designated "Fourth," found on page 10, we are advised that there are opinions of the Supreme Court of this State, as well as the Supreme Court of the United States, declaring that mortgages, foreign to any particular State, cannot be taxed by that State.

All of which is most respectfully submitted.

LEWIS,  
Chairman.

The report was ordered filed.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bills 155, 156, 157 and Senate Bills 63 and 72, respectfully report the same back with the recommendation that they be printed.

PAUL,  
Chairman.

The report was adopted and House Bills Nos. 155, 156 and 157 were ordered printed, and Senate Bills Nos. 63 and 72 were placed on General Orders.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred House Bill 151, a bill for an act entitled an act to amend Section 410 of the Political Code of Montana, relating to fees of the Secretary of State, beg leave to report the same back to the House with the recommendation that it do pass.

LEWIS,  
Chairman.

The report was adopted and the bill ordered printed.

Helena, Montana, February 15th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred sundry petitions from various merchants throughout the State of Montana, praying for the enactment of a certain law, in relation to traveling solicitors of clothing houses, which said petitions are returned herewith, recommend that these petitions be placed on file.

LEWIS,  
Chairman.

The report was filed.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred House Bill No. 152, a bill for an act entitled an act to amend Sections 3719 and 3738 of the Political Code of Montana, relating to the assessment of property, beg leave to report it back to the House with the recommendation that it do pass.

LEWIS,  
Chairman.

The report was adopted and the bill ordered printed.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 120, 146 and 105, beg leave to report the same back as correctly printed.

NORMOYLE,  
Chairman.

The bills were placed on General Orders.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred House Bill No. 128, "A bill for an act to repeal Sections 3880 to 3889 inclusive, and 3924 to 3926 inclusive, of Part III, Title X, Chapter VIII, of the Political Code," and for other purposes recited in the title to said bill, beg leave to report the same back to the House with the recommendation that further consideration of said bill be indefinitely postponed.

LEWIS,  
Chairman.

Hedges moved, seconded by Garr, that the bill be printed.

Carried.

The bill was ordered printed.

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee on Mines and Mining, having had under consideration

House Bill No. 64, introduced by Hutchinson, entitled an act providing for the granting of options by guardians upon mining claims, and for sale and conveyance of the same, pursuant to the terms thereof, report the same back with the recommendation that the bill be indefinitely postponed.

Also, Having considered Senate Bill No. 25, they have amended the same and recommend that it be concurred in as amended.

Also, Having considered House Bill No. 119, introduced by Kuphal, entitled "A bill for an act entitled an act to amend Section 3614, Chapter I, Title IX, of the Political Code of the State of Montana, relating to the filing of affidavits, showing that the annual work and improvements on mining claims has been done as required by the laws of the United States," and recommend that the bill be indefinitely postponed.

Respectfully submitted,

FINLEN,  
Chairman.

Hutchinson moved, seconded by Hedges, that House Bill No. 64 be printed.

Carried.

Senate Bill No. 25 was placed on General Orders and House Bill No. 119 was indefinitely postponed.

Helena, Montana, February 16th, 1899.

Mr. Speaker:

Your Committee of the Whole begs to report having had under consideration the following bills, which are returned with recommendations as follows:

Senate Bill No. 46, an act appropriating to J. W. Ponsford the sum of \$96.60, etc., with the recommendation that the House concur therein.

Senate Bill No. 44, an act appropriating to Michel Therriault the sum of \$122.20, etc., with the recommendation that the House concur therein.

Senate Bill No. 50, an act to amend Section 448 of the Civil Code of the State of Montana, relating to the meetings of stockholders and boards of directors of corporations, with the recommendation that the House concur therein.

House Bill No. 132, an act to authorize and regulate the disposition of the property of mining corporations and the protection of dissenting stockholders, with the recommendation that it be made a special order for Monday, February 20th, at 4 p. m.

House Bill 124, an act to amend Section 1723 of Chapter I, Title XIII, of Part II, of the Code of Civil Procedure of the State of Montana, relating to appeals to the Supreme Court, with the recommendation that it be made a special order for Monday, February 20th, at 4:30 p. m.

Substitute for House Bill 33, an act to amend Sections 3070, 3071, 3072, 3076 and 3079, of Article VIII, Chapter V, Title VII, Part III, of the Political

Code, relating to the payment of bounty on wild animals, with the recommendation that it do pass.

Respectfully submitted,

STONE,  
Chairman.

The report was adopted and the bills named were disposed of as directed in the report.

Day moved, seconded by Fine, the following resolution:

Resolved, That the Speaker be and he is hereby authorized to appoint a special committee of three to examine and approve the Journal of the House during the remainder of the session, and that the reading of the Journal be dispensed with.

The resolution was adopted and Mr. Speaker announced that he would appoint the committee during to-day's session.

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#### NOTICES.

The following notice was given under unanimous consent:

Helena, Montana, February 17th, 1899.

Mr. Speaker:

I hereby give notice that on to-morrow or some subsequent day the Committee on Appropriations will introduce a bill for an act entitled an act General Appropriations, Appropriations for State Institutions, for State Capitol.

PAUL,  
Chairman.

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#### INTRODUCTION OF BILLS.

By Paul:

House Bill No. 161—A bill for an act to amend Section 4062, of Title II, Chapter XIII, of the Political Code of the State of Montana, and all acts amendatory thereto relating to license.

By Ways and Means:

House Bill No. 158—A bill for an act entitled an act to amend Section 414 of the Civil Code of the State of Montana, relating to formation of corporations.

By Stephens:

House Bill No. 159—A bill for an act to dispose of \$30,000 now in the hands of the State Treasurer of Montana, being the same \$30,000 received by him from the Chairman of the Joint Investigating Committee appointed by the Senate and House of Representatives of the Sixth Legislative Assembly, to be held until disposed of by law.

By Metlen:

House Bill No. 160—A bill for an act to extend and define the boundaries of Beaverhead County and to alter the boundaries of Madison County to conform thereto, and to annex a portion of Madison County to the County of Beaverhead.

Also, House Joint Memorial No. 4, relative to ownership of public lands, introduced by Committee on Mines and Mining.

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#### FIRST READING OF HOUSE BILLS.

House Bill No. 158 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 159 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 160 was read a first and second time and referred to Committee on Townships and Counties.

House Bill No. 161 was read a first and second time and referred to Committee on Ways and Means.

The Speaker gave notice that he was about to sign Senate Bills Nos. 11 and 12 and Substitute for Senate Bill No. 6, and signed the same in the presence of the House.

Upon motion the House took a recess until 2 p. m. to-day.

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#### AFTERNOON SESSION.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

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#### FIRST READING OF SENATE BILLS.

Senate Bill No. 71 was read a first and second time and referred to Committee on Townships and Counties.

Senate Joint Memorial No. 4 was read a first and second time and referred to Committee on Federal Relations.

House Joint Memorial No. 4 was read a first and second times on suspension of the rules, and referred to the Printing Committee.

## MESSAGE FROM THE GOVERNOR.

The following communication was received and read:

Helena, Montana, February 17th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith a piece of imitation marble such as will be used for wainscoting in the corridors and public halls of the new capitol under the specifications of the contract. This we will be compelled to use on account of the limited means at our command unless the Legislature shall see fit to give us an additional appropriation, in which event we will use Utah onyx, a sample of which is also herewith transmitted.

Very respectfully,

ROB'T B. SMITH,  
Governor.

The message was referred to the Committee on State Institutions, Public Buildings and Grounds.

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## THIRD READING OF SENATE BILLS.

Senate Bill No. 44 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lindsay, Long, Losekamp, Luddy, Magee, Martin, McLaughlin, McLeod, Metlen, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—54.

No—Lewis—1.

Absent—Clifford, Flinn, Gillette, Jacqueth, Kelley of Cascade, Lockhart, Madden, Marcyes, Matts, More, O'Brien, Stapleton, Stephens, Stone, Walsh—15.

Title agreed to.

Senate Bill No. 46 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Losekamp, Luddy, Magee, Martin, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Watson, Wilson, Woods, Mr. Speaker—57.

Absent—Clifford, Flinn, Kelley of Cascade, Lockhart, Long, Madden, Marcyes, Matts, O'Brien, Stapleton, Stephens, Stone, Warren—13.

Title agreed to.

Senate Bill No. 50 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, Moran, More, Murray, Paul, Phelps, Potting, Shovlin, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Willson, Woods, Mr. Speaker—55.

Noes—Johnson and Parker—2.

Absent—Clifford, Flinn, Gillette, Kelley of Cascade, Lockhart, Madden, Matts, Normoyle, O'Brien, Sands, Stapleton, Stephens, Stone—13.

Title agreed to.

The Senate amendment to the title of House Bill No. 30 was read and agreed to and the bill was ordered enrolled.

The House then resolved itself into Committee of the Whole for the consideration of bills on General Orders.

Kelley, C. F., in the Chair.

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House resumed.

Mr. Speaker in the Chair.

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#### COMMUNICATIONS.

The following communication was received and read:

Helena, Montana, February 16th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that notices of bills to be introduced were given as follows:

By Tierney:

A bill for an act authorizing the County Commissioners to appoint, at their discretion a county board of classification of the surveyed farming, meadow and grazing land, and defining the duty and compensation of such board.

By Courtney:

A bill for an act to amend Section 5039 of the Political Code of the State of Montana, relating to free public libraries in cities.

By Geiger:

A bill for an act granting to the Montana State Fair Association, a

corporation, a franchise for holding and conducting the Annual State Fair of the State of Montana, for a period of twenty years, at or near the city of Butte, in Silver Bow County, State of Montana.

That the following bill was introduced:

By Committee on Judiciary:

Senate Bill No. 95—A bill for an act to amend Section 311 and to repeal Section 312, of Article XII, Title I, Part III, of the Political Code of the State of Montana, relating to the printing of reports of State Officers and Boards.

That the Senate has reconsidered its action on House Bill No. 34 and a substitute therefor has been introduced by Committee on Judiciary.

That the President has signed House Bills Nos. 7, 12, 16, 22 and 37.

That House Bills Nos. 47 and 71 have been concurred in.

Senate Bill No. 71 and Senate Joint Memorial No. 4 have been passed.

House Bill No. 42 has been amended.

Title to House Bill No. 30 has been amended;

And said bills have been transmitted to Chief Clerk.

Your concurrence is requested on Senate Bills and amendments to House Bills.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Moved by Boylan, seconded by Losekamp, that the House adjourn until 10:30 a. m. Monday, February 20.

Carried.

C. R. CRAIG,  
Chief Clerk.



## FIFTIETH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 20th, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Reading of Journal of previous day's session was on motion of Day dispensed with.

McLaughlin was excused from to-day's session.

Mr. Speaker announced as the committee to inspect and approve the Journal Day, Stone and Gallwey.

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### PRESENTATION OF PETITIONS.

Petitions were presented as follows:

By Cooney:

Protesting against the action of the Committee on Fish and Game in recommending the adoption of certain amendments to the Penal Code.

The petition was ordered filed.

By Bonner:

A petition from citizens of Cascade County similarly protesting.

Same was ordered filed.

By Bonner:

From Nelhart, urging the passage of House Bill No. 35.

Referred to Committee on Privileges and Elections.

By Gibson:

From about 140 citizens and taxpayers of Madison County, protesting against further division of said County.

Referred to Committee on Townships and Counties.

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### NOTICES.

Notices of the introduction of bills were given as follows:

By Lamb:

A bill entitled "A bill for an act to amend Section 1 of House Bill No. 204, an act relating to public improvements in cities and towns and repealing Sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888 and 4899, of the Political Code of the State of Montana," approved March 8th, 1897.

By Swindlehurst:

Regulating insurance and insurance policies written and placed by companies not authorized to transact business in this State on property situated in the State.

By Hedges:

A bill for an act entitled an act appropriating money for the purchase of the Allen Indian collection in the rooms of the Historical Society.

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#### REPORTS OF STANDING COMMITTEES.

The following reports were received and read:

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Substitute for House Bill No. 33 reports the same back as properly engrossed.

COONEY,  
Chairman.

The report was adopted and the bill placed on the Calendar for third reading.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bill No. 8 and House Bill No. 3 as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker announced that he was about to sign House Bills Nos. 3 and 8, and thereupon signed them in presence of the House.

The fololwing report was received and read:

Helena, Montana, February 17th, 1899.

Mr. Speaker:

Your Committee of the Whole, having had under consideration bills on General Orders, beg leave to report as follows:

First:

That we have had under consideration House Bill No. 78, and report the same back with the recommendation that it do pass as amended.

**Second:**

That we have had under consideration House Bill No. 38, and that we report the same back amended, with the recommendation that it do pass.

**Third:**

That we have had under consideration House Bill No. 28, and report the same back with the recommendation that it do pass.

**Fourth:**

That we have had under consideration House Bill No. 29, and report the same back with the recommendation that it do pass.

**Fifth:**

That we have had under consideration House Bill No. 60, and report the same back with the recommendation that it do pass as amended.

**Sixth:**

That we have had under consideration House Bill No. 61, and report the same back with the recommendation that it do pass as amended.

**Seventh:**

That we have had under consideration House Bill No. 79, and report the same back with the recommendation that it do pass.

**Eighth:**

That we have had under consideration House Bill No. 80, and report the same back with the recommendation that it do pass.

**Ninth:**

That we have had under consideration House Bill No. 83, and report the same back with the recommendation that it do pass.

**Tenth:**

That we have had under consideration House Bill No. 84, and report the same back with the recommendation that it do pass.

**Eleventh:**

That we have had under consideration House Bill No. 85, and report the same back with the recommendation that it do pass.

**Twelfth:**

That we have had under consideration House Bill No. 86, and report the same back with the recommendation that it do pass.

**Thirteenth:**

That we have had under consideration House Bill No. 87, and report the same back with the recommendation that it do pass.

**Fourteenth:**

That we have had under consideration House Bill No. 81, and report the same back with the recommendation that it do pass.

**Fifteenth:**

That we have had under consideration House Bill No. 92, and report the same back with the recommendation that it do pass.

**Sixteenth:**

That we have had under consideration House Bill No. 95, and report the same back with the recommendation that it do pass.

**Seventeenth:**

That we have had under consideration House Bill No. 97, and report the same back with the recommendation that it do pass.

**Eighteenth:**

That we have had under consideration House Bill No. 98, and report the same back with the recommendation that it do pass.

**Nineteenth:**

That we have had under consideration House Bill No. 99, and report the same back with the recommendation that it do pass.

**Twentieth:**

That we have had under consideration House Bill No. 100, and report the same back with the recommendation that it do pass.

**Twenty-first:**

That we have had under consideration House Bill No. 103, and report the same back with the recommendation that it do pass.

**Twenty-second:**

That we have had under consideration House Bill No. 90, and report the same back with the recommendation that it do pass.

**Twenty-third:**

That we have had under consideration House Bill No. 88, and report the same back with the recommendation that it do pass.

**Twenty-fourth:**

That we have had under consideration House Bill No. 89, and report the same back with the recommendation that it do pass.

**Twenty-fifth:**

That we have had under consideration House Bill No. 93, and report the same back with the recommendation that it do pass.

**Twenty-sixth:**

That we have had under consideration House Bill No. 94, and report the same back with the recommendation that it do pass.

**Twenty-seventh:**

That we have had under consideration House Bill No. 96, and report the same back with the recommendation that it do pass.

**Twenty-eighth:**

That we have had under consideration House Bill No. 101, and report the same back with the recommendation that it do pass.

**Twenty-ninth:**

That we have had under consideration House Bill No. 102, and report the same back with the recommendation that it do pass.

## Thirtieth:

That we have had under consideration House Bill No. 91, and report the same back with the recommendation that it do pass.

## Thirty-first:

That we have had under consideration House Bill No. 104, and report the same back with the recommendation that it do pass.

## Thirty-second:

That we have had under consideration House Bill No. 82, and report the same back with the recommendation that it do pass.

All of which is respectfully submitted,

C. H. KELLEY,

Chairman.

The report of the committee was adopted and the bills were ordered engrossed except House Bills 38, 78, 60 and 61, which were amended, and as amended also ordered engrossed.

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INTRODUCTION OF BILLS.

The following bills were introduced:

By the Appropriations Committee:

House Bill No. 162—A bill for an act appropriating money for the State Institutions of Montana for the fiscal years ending November 30th, 1899, and November 30th, 1900.

Also House Bill No. 163—A bill for an act appropriating money for a new heating plant for the Orphans' Home at Twin Bridges.

Also House Bill No. 164—A bill for an act appropriating money for a new heating plant for the State Reform School at Miles City.

Also House Bill No. 165—A bill for an act appropriating money for incidental expenses of the Sixth Legislative Assembly of Montana.

Also House Bill No. 166—A bill for an act appropriating money for the Executive and Judicial Departments of the State Government for the fiscal years ending November 30th, A. D. 1899, and November 30th, A. D. 1900.

Also House Bill No. 167—A bill for an act to pay employes of the Senate and House, as provided in Section 209, Part III, Title I, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana.

Also House Bill No. 168—A bill for an act appropriating money for the placing of onyx wainscoting in the State Capital Building.

By Day, without previous notice:

House Joint Memorial No. 4, relating to the establishment of the Tenth U. S. Circuit Court.

## MESSAGES FROM THE SENATE.

The following communication was received and read:

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced:

By Tierney:

Senate Bill No. 96—A bill for an act authorizing the County Commissioners to appoint, at their discretion, a county board of classification of the surveyed farming, meadow and grazing land, and defining the duty and compensation of such board.

That Senate Bills Nos. 90 and 93 and Senate Joint Resolution No. 2 have been indefinitely postponed.

That the President has signed Senate Bills Nos. 11 and 12.

And that the House amendments to Senate Bills Nos. 15, 21, 24 and 32 have been concurred in.

Very respectfully,

D. P. O'CONNOR.

Secretary.

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READING OF HOUSE BILLS.

House Joint Memorial No. 4 was read a first and second time and referred to the Committee on Federal Relations.

House Bill No. 162 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 163 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 164 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 165 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 166 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 167 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 168 was read a first and second time and referred to Committee on Judiciary.

The Committee on Enrollment reported that House Bills Nos. 3 and 8 had been presented to the Governor for his signature.

## THIRD READING OF HOUSE BILLS.

Substitute for House Bill No. 33 was read a first and second time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lindsay, Long, Losekamp, Madden, Marcyes, Martin, Matts, McLeod, More, Murray, Normoyle, Phelps, Potting, Sands, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Wilson, Woods, Mr. Speaker—55.

Noes—Metlen, Paul—2.

Absent—Kelley of Cascade, Lewis, Lockhart, Luddy, Magee, McLaughlin, Moran, O'Brien, Parker, Shovlin, Stapleton, Truscott, Watson—13.

Title agreed to.

The Committee on Enrollment reported as correctly enrolled House Bills Nos. 75, 42, 47 and 30, and the Speaker after announcement signed them in the presence of the House.

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## COMMITTEE OF THE WHOLE.

The House then resolved itself into Committee of the Whole for the consideration of General Orders.

Kelley, C. F., in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Kelley, Chairman of the Committee of the Whole, reported progress and asked leave to sit again. The request was granted and on motion of Day, duly seconded, the House took a recess until 2 p. m.

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2 p. m. House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The House then again resolved itself into the Committee of the Whole for further consideration of General Orders.

C. F. Kelley in the Chair.

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The House resumed.

Mr. Speaker pro tem in the Chair.

Kelley, Chairman of the Committee of the Whole, asked for further time to make report.

The following report was received from the Committee on Printing:

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 135, 126, 145, Substitute House Bill 140 and House Bill 125, beg leave to report the same back as correctly printed.

NORMOYLE,  
Chairman.

And House Bills 126, 135, Substitute for House Bill 140, and House Bill 125 were placed on General Orders.

On motion of Black, House took recess until 4 p. m.

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4 p. m. House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

House Bill 132, having been made a special order for 4 p. m., the House resolved itself into Committee of the Whole.

Stone in the Chair.

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Mr. Speaker in the Chair.

House resumed.

A communication from his Excellency the Governor was received.

The House resolved itself into Committee of the Whole for further consideration of House Bill 132.

Stone in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Stone, Chairman of the Committee of the Whole, made the following report:

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee of the Whole, having had under consideration House Bill No. 132, on special order, instructs and directs me to report back the bill with the recommendation that said bill, as amended, do pass.

STONE,  
Chairman.



On motion of Toole, seconded by Fine, the report was adopted and House Bill 132 was referred to the Engrossment Committee.

The following communication was received from his Excellency the Governor, and referred to the Committee on Federal Relations:

Helena, Montana, February 20th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I transmit herewith a concurrent resolution passed by the Assembly of Nevada.

The subject is one which interests the people of this State and I submit the matter for your consideration.

Very respectfully,

ROB'T B. SMITH,  
Governor.

The following communication was received from his Excellency, the Governor, in reference to House Bill No. 30:

Helena, Montana, February 20th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

The sole object of House Bill No. 30 is to create the office of County Auditor in fourth class counties; otherwise the law is exactly as it stands to-day. If the act contemplated abolishing the office in second and third class counties, I would approve the bill. Creating more offices means more taxes. I cannot lend my consent to such conditions, unless the office is imperatively demanded.

Believing as I do that fourth class counties do not need a county auditor, I must return this bill without my approval.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Thereupon the roll was called upon the question, "Shall the bill pass, notwithstanding the Governor's veto?" with the following result:

Ayes—Boylan, Clifford, Cooney, Crutchfield, Day, Finlen, Fitzpatrick, Flinn, Gibson, Hedges, Kelly of Silver Bow, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Madden, Matts, McLeod, Normoye, Stapeton, Stone, Sweeney, Toole, Warren, Watson, Wilson, Mr. Speaker—29.

Noes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Conrow, Eversole, Fine, Gallwey, Garr, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Luddy, Magee, Marcyes, Martin, Metlen, More, Murray, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sullivan, Swindlehurst, Truscott, Walsh, Woods—37.

Absent—McLaughlin, Moran, O'Brien and Parker—4.

Thereupon the veto was sustained.

The Committee on Enrollment made the following report:

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills Nos. 71, 42, 47, 30 to the Governor for his signature, at 2:15 p. m.

MADDEN,  
Chairman.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Resolutions to Montana's Soldiers in the field as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker notified the House that he was about to sign House Resolution in relation to the Montana Regiment at Manila, and signed the same in the presence of the House, and the same was attested by the Chief Clerk.

On motion of Matts, seconded by Hutchinson, House Bill 124 was made a special order for February 21st, 1899, at 11 a. m.

On motion of Normoyle the House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## FIFTY-FIRST DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 21st, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The following report from the Journal Committee was received and adopted:

Helena, Montana, February 21st, 1899.

Mr. Speaker:

We, your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the Proceedings of the 47th and 50th days, and find the same correct, and recommend that they be approved as ordered.

DAY,  
Chairman.

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### PETITIONS.

The following petitions were received:

By Lindsay:

From citizens of Dawson County, protesting against the keeping open of saloons in spite of the wish of the majority of the electors of a district.

By Gibson:

Protesting against the division of Madison County.

By Paul:

Protesting against the division of Madison County.

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### NOTICES.

The following notices of the introduction of bills were given:

By Boylan:

A bill for an act entitled an act to amend Section 2661 of the Penal Code of the State of Montana, relating to proceedings in bastardy.

**By Walsh:**

A bill for an act entitled an act to amend Section 3006 of the Political Code, relating to the slaughter and appraisement of domestic animals condemned on account of suffering from dangerously infectious diseases.

**By Walsh:**

A bill for an act entitled an act to amend Section 3018 of the Political Code, relating to appointment of Deputy Veterinary Surgeons, and providing for the payment of same.

**By Lockhart:**

A bill for an act entitled an act to provide special compensation for County Assessors while actually engaged in making assessments.

**By Lindsay:**

A bill for an act entitled an act to amend Section 3180 of the Political Code of the State of Montana, relating to elections, to determine whether or not spirituous or malt liquors, wine or cider, or any intoxicating drinks may be sold within the limits of any township or county.

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#### REPORTS OF STANDING COMMITTEES.

The following reports of Standing Committees were received and read:

Helena, Montana, February 21st, 1899.

**Mr. Speaker:**

Your Committee on Engrossment, to whom was referred House Bills Nos. 132, 100, 82, 94, 90, 89, 84, 83, 85, 86, 87, 81, 92, 95, 97, 98, 99, 88, 103, 102, 91, 93, 29, 101, 96, 104, report the same back as correctly engrossed.

COONEY,  
Chairman.

The report was adopted and the bills were placed on file for third reading.

Helena, Montana, February 20th, 1899.

**Mr. Speaker:**

Your Committee on Privileges and Elections, to whom was referred petitions relating to House Bill No. 35, presented by Kelly, Lamb and Stapleton, respectfully report the same back with the recommendation that they be filed.

GALLWEY,  
Chairman.

The report was received and the petitions placed on file.

Helena, Montana, February 21st, 1899.

**Mr. Speaker:**

The House Committee of the Joint Steering Committee report that they have fixed the order of the consideration of bills, resolutions and memorials

now on General Orders in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

Senate Bill No. 43.  
Senate Bill No. 63.  
Senate Bill No. 72.  
Senate Bill No. 62.  
Senate Bill No. 36.  
Senate Substitute House Bill No. 20.  
House Joint Memorial No. 2.  
House Joint Memorial No. 1.  
House Bill No. 52.  
House Bill No. 120.  
House Bill No. 54.  
House Bill No. 2.  
House Bill No. 125.  
House Bill No. 49.  
House Bill No. 72.  
Substitute House Bill No. 69.  
House Bill No. 118.  
House Bill No. 145.  
House Bill No. 46.  
House Bill No. 53.  
House Bill No. 66.  
House Bill No. 108.  
House Bill No. 55.  
House Bill No. 57.  
House Bill No. 109.

Signed, E. D. MATTS,  
Chairman House Steering Committee.

Approved, C. W. HOFFMAN,  
Chairman Senate Steering Committee.

The report was received and placed on file.

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#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Insurance report that they have had under consideration House Bill No. 44, and recommend that the same be printed.

CLIFFORD,

Chairman.

The report was adopted and the bill referred to the Printing Committee.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Insurance report that they have had under consideration House Bill No. 18, and recommend that the same be indefinitely postponed.

CLIFFORD,  
Chairman.

The report was adopted and House Bill 18 was indefinitely postponed.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Insurance report that they have had under consideration House Bill No. 144, and recommend that the same be printed.

CLIFFORD,  
Chairman.

The report was adopted and House Bill 144 referred to the Printing Committee.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Insurance report that they have had under consideration House Bill No. 143, and that they introduce in place thereof a substitute, designated as Substitute for House Bill No. 143, and they recommend that the substitute be printed.

CLIFFORD,  
Chairman.

The report was adopted and Substitute for House Bill No. 143 referred to the Printing Committee.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Privileges and Elections, to whom was referred House Bill No. 150, relative to the constitutional limit of indebtedness for cities, towns, townships or school districts, respectfully report the same back with the recommendation that its further consideration be indefinitely postponed.

GALLWEY,  
Chairman.

The report was adopted.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 133, 129, 73, 152, 151, 156, 157 and House Resolution 5, report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills placed on General Orders.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred House Bills 138, 160 and 71, have had the same under consideration and recommend that same be printed.

WATSON,  
Chairman.

The report was adopted and House Bills Nos. 138 and 160 were ordered printed and Senate Bill No. 71 placed on General Orders.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on State Lands, having considered House Bill 154, introduced by Hedges, report the same back with the recommendation that the same do pass.

STEPHENS,  
Chairman.

The report was adopted and the bill ordered printed.

Helena, Montana, February 20th, 1899.

Mr. Speaker:

Your Committee on Incorporations and Manufactures, to whom was referred House Bill No. 141, A bill for an act to provide for the inspection of petroleum oil and for the appointment of a State Oil Inspector, respectfully report the same back with the recommendation that it be printed.

TOOLE,  
Chairman.

The report was adopted.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Substitute No. 2 for House Bill No. 36, introduced by Judiciary Committee, entitled "A bill for an act to amend Sections 1057, 1058, 1059, 1067, 1073 and 1084, in Article IX, of Chapter VII, of Title I, of Part III, of the Political Code of the State of Montana, relating to the bonds of officers and other bonds," beg leave to report said bill back with the recommendation that it be passed, and that the amendments considered by the Committee of the Whole be not adopted.

CRUTCHFIELD,  
Chairman.

The report was adopted, the bill was ordered printed and the amendments were discarded.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 153, introduced by Mr. Phelps, entitled "A bill for an act to

amend Section 1187, Chapter II, Title XV, of the Penal Code of Montana, relating to the driving away and dogging of cattle," beg leave to report said bill back with the recommendation that the same be passed.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill was ordered printed.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 139, introduced by Day, entitled "A bill for an act amending Section 893, of the Code of Civil Procedure of the State of Montana, relating to the writ of attachment," beg leave to report the same back with the recommendation that it be indefinitely postponed, and further that substitute herewith submitted for same be printed.

CRUTCHFIELD,  
Chairman.

The report was adopted.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 162, introduced by Appropriations Committee, entitled "A bill for an act appropriating money for the State Institutions of Montana, for the fiscal years ending November 30th, A. D. 1899, and November 30th, A. D. 1900,

House Bill No. 163, introduced by the Appropriations Committee, entitled "A bill for an act appropriating money for a new heating plant for the Orphans' Home at Twin Bridges,

House Bill No. 164, introduced by Appropriations Committee, entitled "A bill for an act appropriating money for new heating plant for the State Reform School at Miles City,

House Bill No. 165, introduced by Appropriations Committee, entitled "A bill for an act appropriating money for incidental expenses of the Sixth Legislative Assembly of the State of Montana,

House Bill No. 166, introduced by Appropriations Committee, entitled "A bill for an act appropriating money for the Executive and Judicial Departments of the State Government for fiscal years ending November 30th, A. D. 1899, and November 30th, A. D. 1900," and

House Bill No. 167, introduced by Appropriations Committee, entitled "A bill for an act to pay employes of the Senate and House, as provided in Section 209, Part III, Title I, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana," beg leave to report the same back with the recommendation that they be printed.

CRUTCHFIELD,  
Chairman.

The report was adopted.



**Mr. Speaker:**

We, your Committee on Judiciary, having had under consideration House Bill No. 159, introduced by Stephens, entitled "A bill for an act to dispose of thirty thousand dollars, now in the hands of the State Treasurer of Montana, being the same thirty thousand dollars received by him from the Chairman of the Joint Investigating Committee, appointed by the Senate and House of Representatives of the Sixth Legislative Assembly, to be held until disposed of by law," \*

House Bill No. 168, introduced by Appropriations Committee, entitled "A bill for an act appropriating money for the placing of onyx wainscoting in the State Capitol Building," and

Senate Bill No. 68, introduced by Myers, entitled "A bill for an act to provide for the publication by county treasurers of verified lists of all licenses collected by county treasurers for the benefit of their several counties," report same back with the recommendation that they be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

The report was adopted.

Helena, Montana, February 20th, 1899.

**Mr. Speaker:**

We, your Committee of the Whole, having had under consideration General Orders, report as follows:

That we have had under consideration House Bill No. 45, and report the same back with the recommendation that it do pass, as amended.

That we have considered House Bill No. 70, and report the same back with the recommendation that it do pass as amended.

That we have considered House Bill No. 113, and report the same back with the recommendation that it do pass.

That we have considered House Bill No. 106, and report the same back with the recommendation that it do pass as amended.

That we have considered House Bill No. 121, and report the same back with the recommendation that it do pass.

All of which is respectfully submitted,

C. F. KELLEY,  
Chairman.

The report was adopted and the bill was ordered engrossed.

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#### SPECIAL ORDERS.

The hour having arrived for the consideration of Special Order, the House resolved itself into Committee of the Whole for the consideration of House Bill 124.

Crutchfield in the Chair.

House resumed.

Mr. Speaker in the Chair.

Crutchfield, chairman Committee of the Whole, asked further time to make report. Granted.

House resumed consideration of the reports of Standing Committees.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, having considered House Bill No. 134, entitled "A bill for an act to provide for the treatment of inebriates by counties and prescribing rules governing the same," believing that the privilege of irrigation and the subsequent water right should, like salvation, be free to all, but believing also that the result of the application of these rights by individuals can hardly be guaranteed and underwritten by government, recommend the indefinite postponement of said bill.

WILSON,  
Chairman.

The report was adopted.

The Chairman of the Committee of the Whole made the following report:

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee of the Whole, to whom was referred House Bill No. 124, on special order, instruct me to report that they recommend that said bill as amended do pass.

The amendments hereby recommended are herewith attached to said bill.

CRUTCHFIELD,  
Chairman.

The report was adopted and the bill ordered engrossed.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Conrow:

A bill for an act entitled an act to repeal an act entitled an act to define the powers and duties of county surveyors, and to provide for their compensation and to abolish the office of road supervisor, Fifth Session Laws of Montana, pages 71, 72, 73, 74 and 75, approved March 4th, 1897.

By Judiciary Committee:

House Bill No. 170—A bill for an act entitled an act to provide the conditions upon which foreign corporations may do business in this State, and to repeal sections 1030 to 1038 inclusive of Title XI, Part III, of the Civil Code of the State of Montana, relating to foreign corporations.

By Walsh:

House Bill No. 171—A bill for an act to amend Section 3006 of the Civil Code of the State of Montana, relating to the slaughter and appraisement of domestic animals, condemned on account of suffering from dangerously infectious diseases.

By Walsh:

House Bill No. 172—A bill for an act to amend Section 3018 of the Political Code of the State of Montana, relating to the appointment of Deputy Veterinary Surgeons, and providing for the payment of same.

By Truscott:

House Bill No. 173—A bill for an act entitled an act to authorize the Clerk of the District Court to summon trial jurors by registered mail.

By Committee on Mines and Mining:

House Bill No. 174—A bill for an act entitled an act to amend House Bill 77, of the acts of the Fifth Legislative Assembly, entitled an act to amend Section 705, Title X, of the Penal Code of the State of Montana, to have the cages of all mines caged in. Fifth Session Laws, pages 245-246.

By Swindlehurst:

House Bill No. 175—A bill for an act regulating insurance, and insurance policies written and placed by companies not authorized to do business within the State.

By Hedges:

House Bill No. 176—A bill for an act appropriating money for the purchase of the Robert A. Allen Indian collection for the Historical Society of the State of Montana.

By Judiciary Committee:

House Bill No. 177—A bill for an act to amend Section 3350 of the Code of Civil Procedure, regulating the manner of issuing commissions, to take depositions of witnesses out of the State.

By Hutchinson:

House Bill No. 178—A bill for an act to tax dogs.

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#### FIRST READING OF HOUSE BILLS.

House Bill No. 169 was read a first and second time and referred to Committee on Highways.

House Bill No. 170 was read a first and second time and referred to Committee on Incorporations and Manufactures.

House Bill No. 171 was read a first and second time and referred to Committee on Stockgrowing and Agriculture.

House Bill No. 172 was read a first and second time and referred to Committee on State Boards and Officers.

House Bill No. 173 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 143 was read a first and second time and referred to Committee on Printing.

Moved by Bennett, seconded by Fine, that the House take a recess until 2 o'clock p. m.

Carried.

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#### AFTERNOON SESSION.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

House Bill No. 174 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 175 was read a first and second time and referred to Committee on Insurance.

House Bill No. 176 was read a first and second time and referred to Committee on Appropriations.

House Bill No. 177 was read a first and second time and referred to Committee on Ways and Means.

House Bill No. 178 was read a first and second time and referred to Committee on Agriculture and Stockgrowing.

House Joint Memorial No. 5 was read a first and second time and referred to Committee on Federal Relations.

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#### COMMUNICATIONS.

The fololwing communicatoins were received and read:

Helena, Montana, February 20th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bills were introduced:

By Hannah:

Senate Bill No. 97—A bill for an act to amend Section 3035 of the Civil Code of the State of Montana, extending the time of liens for services.

By Geiger:

Senate Bill No. 98—A bill for an act entitled an act granting the Montana State Fair Association, a corporation, a franchise for holding and con-

ducting the Annual State Fair of the State of Montana, for a period of twenty years at or near the City of Butte, in Silver Bow County, State of Montana.

By Courtney:

Senate Bill No. 99—A bill for an act to amend Section 5039 of the Political Code of the State of Montana, relating to free public libraries in cities.

By Anderson, without notice:

Senate Bill No. 100—A bill for an act to amend Section 450 of Chapter I, Title IX, Part I, of the Penal Code, defining rape.

That Senate Bill No. 73 was indefinitely postponed.

That the President signed Senate Bills Nos. 23, 31 and 41, Senate Joint Resolution No. 1, Substitute for Senate Bill No. 13, Senate Joint Memorial No. 2, and House Bills Nos. 3, 8, 30, 42, 47 and 71.

That Senate Bill No. 30 was passed and has been transmitted to Chief Clerk for your concurrence.

And that Substitute No. 1 for House Bill No. 36 has been amended, as has also title to House Bill No. 1, and your concurrence is requested to amendments.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has reconsidered its vote on the concurrence to House amendments to Senate Bill No. 32, and now refuses to concur in House amendments to Senate Bill No. 32, and requests that you appoint a Conference Committee of three to meet a like committee from the Senate.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, February 21st, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have signed and approved the following bills:

House Bill No. 3, relating to the limitation of actions;

House Bill No. 42, relating to the appointment of special constables;

House Bill No. 71, relating to the duties of county attorneys;

House Bill No. 8, relating to liens on saw-logs, piling, railroad ties, lumber, shingles, etc., and

House Bill No. 47, relating to interest on county warrants.

Very respectfully,

ROB'T B. SMITH,  
Governor.

Matts moved a call of the House.

The call was ordered.

The roll call showed only Crutchfield and Moran absent.

Matts moved, duly seconded, that further proceedings under the call be suspended.

Carried.

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### THIRD READING OF HOUSE BILLS.

House Bill No. 132 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Cooney, Crutchfield, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLeod, Murray, Normoyle, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—58.

Noes—Conrow, Day, Gibson, Hill, McLaughlin, Metlen, More, Parker, Paul, Phelps—10.

Absent—Moran, O'Brien—2.

Stephens was excused from further attendance on to-day's session.

House Bill No. 60 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Crutchfield, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—67.

Absent—Cooney, Fine, Lamb, Moran, O'Brien, Stephens, Stone, Watson—7.

Kelley, C. F., moved, seconded by Normoyle, that the bills hereafter be read a third time by title only.

Carried.

House Bill No. 82 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson,

Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—58.

Absent—Burke, Fine, Lamb, Lindsay, Losekamp, Moran, More, O'Brien, Shovlin, Stapleton, Stephens, Stone—12.

House Bill No. 94 was read a third time by title only and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—57.

Absent—Burke, Crutchfield, Day, Fine, Hill, Kuphal, Lamb, Losekamp, Moran, O'Brien, Stephens, Stone, Truscott—13.

House Bill No. 90 was read a third time by title only and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen, Fitzpatrick, Flinn, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, O'Brien, Phelps, Potting, Sands, Shovlin, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—55.

Absent—Burke, Fine, Gallwey, Kuphal, Lamb, Losekamp, Moran, Normoyle, Parker, Paul, Stapleton, Stephens, Stone, Sullivan, Truscott—15.

House Bill No. 89 was read a third time by title only and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Crutchfield, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Phelps, Potting, Sands, Shovlin, Stapleton, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—55.

Absent—Burke, Cooney, Day, Fine, Jacqueth, Lamb, Losekamp, Moran, O'Brien, Parker, Paul, Stephens, Stone, Sullivan, Truscott—15.

House Bill No. 84 was read a third time by title only and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Conrow, Co-

ney, Crutchfield, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Murray, Normoyle, Phelps, Potting, Sands, Shovlin, Stapleton, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Watson, Wilson, Mr. Speaker—52.

Absent—Burke, Clifford, Fine, Hutchinson, Jacqueth, Lamb, Losekamp, Luddy, Moran, More, O'Brien, Parker, Paul, Stephens, Stone, Truscott, Warren, Woods—18.

House Bill No. 83 was read a third time by title only and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Madden, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—54.

Absent—Burke, Bywater, Clifford, Fine, Gibson, Hutchinson, Lamb, Losekamp, Luddy, Matts, Moran, O'Brien, Parker, Stephens, Stone, Truscott—16.

House bill No. 85 was read a third time by title only and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Conrow, Cooney, Crutchfield, Day, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Madden, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, More, Murray, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—53.

Absent—Burke, Clifford, Eversole, Fine, Gibson, Hutchinson, Lamb, Losekamp, Luddy, Matts, Moran, Normoyle, O'Brien, Parker, Stephens, Stone, Truscott—17.

The chairman of the Senate Enrollment Committee was announced and the Speaker announced that he was about to sign Senate Bill No. 23, Substitute for Senate Bill No. 13, Senate Joint Memorial No. 2, Senate Joint Resolution No. 3, Senate Joint Resolution No. 1, Senate Bill No. 41, Senate Bill No. 31, Senate Bill No. 46, Senate Bill No. 44, Senate Bill No. 21, Senate Bill No. 42, Senate Bill No. 24, and Senate Bill No. 15.

Hedges asked permission to give notice at this time of intention to introduce a bill; the leave was granted and the following notice was given:  
By Hedges:

A bill for an act entitled "An act authorizing the issuance of additional bonds to aid in the construction of a State Capitol Building and permitting



certain changes to be made in the contract for the construction of the same."

The Committee on Engrossment made the following report:

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Bills 79, 124, 60, 28, 78, 61 and 113, reports the same back as correctly engrossed.

COONEY,  
Chairman.

The report was adopted and the bills were placed on file for third reading.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on Federal Relations, having had under consideration the Nevada Concurrent Resolution No. 2, together with communication from his Excellency the Governor, beg leave to report the same back with the statement that the committee will introduce a House Joint Memorial covering the subject matter of said Nevada Concurrent Resolution.

STAPLETON,  
Chairman.

The report was filed.

The Committee on Federal Relations reported as follows:

Helena, Montana, February 21st, 1899.

Mr. Speaker:

We, your Committee on Federal Relations, report that we have considered Senate Joint Memorial No. 3, and recommend that it be concurred in.

Also, that we have considered Senate Joint Memorial No. 4 and recommend that it be concurred in.

Also, that we have considered House Joint Memorial No. 3, introduced by Johnson, and recommend that it do pass.

Also, that we have considered House Joint Memorial No. 3, introduced by Day, and recommend that it do pass.

STAPLETON,  
Chairman.

The report was adopted and the memorials were ordered printed.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred Substitute for House Bill 115, House Bill 136, and Substitute for House Bills 5, 155 and 147, beg leave to report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills were placed on General Orders.

## THIRD READING OF HOUSE BILLS.

House Bill No. 87 was read a third time and passed by the following vote:

Ayes—Beasley, Black, Bonner, Boylan, Burke, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Marcyes, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Swindlehurst, Toole, Walsh, Watson, Wilson, Woods, Mr. Speaker—51.

Absent—Bennett, Bywater, Clifford, Eversole, Flinn, Gillette, Madden, Magee, Martin, Moran, Normoyle, O'Brien, Stapleton, Stephens, Stone, Sullivan, Sweeney, Truscott, Warren—19.

House Joint Memorial was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Conrow, Cooney, Crutchfield, Day, Fine, Fitzpatrick, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Marcyes, Martin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Swindlehurst, Toole, Walsh, Watson, Wilson, Woods—46.

Absent—Burke, Bywater, Clifford, Eversole, Finlen, Flinn, Gibson, Gillette, Kelly of Silver Bow, Madden, Magee, Matts, McLaughlin, Moran, Normoyle, O'Brien, Stapleton, Stephens, Stone, Sweeney, Truscott, Warren, Mr. Speaker—24.

House Bill No. 86 was read a third time and passed by the following vote:

Ayes—Beasley, Benett, Black, Boylan, Burke, Conrow, Cooney, Day, Fine, Fitzpatrick, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Marcyes, Matts, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—52.

Absent—Bonner, Bywater, Clifford, Crutchfield, Eversole, Finlen, Flinn, Gibson, Gillette, Madden, Magee, Martin, McLaughlin, Moran, O'Brien, Stephens, Stone, Truscott—18.

House Bill No. 95 was read a third time and passed by the following vote:

Ayes—Beasley, Bonner, Boylan, Burke, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hutchinson, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting,

Sands, Shovlin, Stone, Sweeney, Swindlehurst, Toole, Watson, Wilson, Woods, Mr. Speaker—51.

Absent—Bennett, Black, Bywater, Clifford, Conrow, Eversole, Hedges, Hill, Ingersoll, Madden, Moran, Normoyle, O'Brien, Stapleton, Stephens, Sullivan, Truscott, Walsh, Warren—19.

House Bill No. 92 was read a third time and passed by the following vote:

Ayes—Beasley, Black, Bonner, Boylan, Burke, Cooney, Crutchfield, Day, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Marcyes, Martin, Matts, McLaughlin, McLeod, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—51.

Absent—Bennett, Bywater, Clifford, Conrow, Eversole, Fine, Flinn, Madden, Magee, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Stapleton, Stephens, Truscott—19.

House Bill No. 81 was read a third time and passed by the following vote:

Ayes—Beasley, Black, Bonner, Boylan, Burke, Cooney, Crutchfield, Day, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Matts, McLaughlin, McLeod, Metlen, Paul, Phelps, Potting, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Watson, Wilson, Woods, Mr. Speaker—47.

Absent—Bennett, Bywater, Clifford, Conrow, Eversole, Fine, Flinn, Madden, Magee, Marcyes, Martin, Moran, More, Murray, Normoyle, O'Brien, Parker, Sands, Shovlin, Stapleton, Stephens, Truscott, Warren—23.

House Bill No. 97 was read a third time and passed by the following vote:

Ayes—Beasley, Bonner, Boylan, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Murray, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Woods, Mr. Speaker—49.

Absent—Bennett, Black, Burke, Bywater, Clifford, Lamb, Luddy, Madden, Metlen, Moran, More, Normoyle, O'Brien, Parker, Stapleton, Stephens, Truscott, Walsh, Warren, Watson, Wilson—21.

House Bill No. 98 was read a third time and passed by the following vote:

Ayes—Bennett, Bonner, Boylan, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gil-

lette, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Wilson, Woods, Mr. Speaker—50.

Absent—Beasley, Black, Burke, Clifford, Hedges, Hill, Lamb, Madden, Moran, More, Murray, Normoyle, O'Brien, Parker, Stapleton, Stephens, Truscott, Walsh, Warren, Watson—20.

House Bill No. 99 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Crutchfield, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Long, Luddy, Matts, McLaughlin, McLeod, Metlen, Murray, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Watson, Wilson, Woods, Mr. Speaker—51.

Absent—Clifford, Cooney, Day, Eversole, Kelly of Silver Bow, Lamb, Losekamp, Madden, Magee, Martin, Moran, More, Normoyle, O'Brien, Parker, Stapleton, Stephens, Truscott, Walsh, Warren—19.

House Bill No. 80 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Cooney, Crutchfield, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Long, Luddy, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Stone, Sullivan, Sweeney, Swindlehurst, Warren, Watson, Wilson, Mr. Speaker—48.

Absent—Bywater, Clifford, Conrow, Day, Hill, Jacqueth, Kelly of Silver Bow, Lamb, Losekamp, Madden, Magee, Moran, O'Brien, Sands, Shovlin, Stapleton, Stephens, Toole, Truscott, Walsh, Woods—22.

House Bill No. 88 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Burke, Conrow, Cooney, Crutchfield, Eversole, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kuphal, Lindsay, Lockhart, Marcyes, McLaughlin, McLeod, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Watson, Wilson, Mr. Speaker—40.

Absent—Boylan, Bywater, Clifford, Day, Fine, Finlen, Fitzpatrick, Flinn, Gibson, Gillette, Jacqueth, Kelly of Silver Bow, Lamb, Lewis, Long, Losekamp, Luddy, Madden, Magee, Matts, Metlen, Moran, More, O'Brien, Stapleton, Stephens, Truscott, Walsh, Warren, Woods—30.

House Bill No. 103 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Burke, Crutchfield, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Magee, Marcyes, Martin, McLeod, Metlen, Moran, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Shovlin, Stone, Sullivan, Swindlehurst, Toole, Warren, Wilson, Mr. Speaker—45.

Absent—Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Finlen, Fitzpatrick, Gibson, Jacqueth, Kelley of Cascade, Lindsay, Losekamp, Luddy, Madden, Matts, McLaughlin, Sands, Stapleton, Stephens, Sweeney, Truscott, Walsh, Watson, Woods—25.

House Bill No. 102 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Johnson, Kelly of Silver Bow, Kuphal, Lewis, Lockhart, Long, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Normoyle, Paul, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Mr. Speaker—44.

Absent—Burke, Bywater, Conrow, Gibson, Jacqueth, Kelley of Cascade, Lamb, Lindsay, Losekamp, Luddy, Madden, Moran, More, Murray, O'Brien, Parker, Phelps, Stapleton, Stephens, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods—26.

House Bill No. 91 was read a third time and passed by the following vote:

Ayes—Beasley, Black, Bonner, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hill, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Marcyes, Martin, Matts, McLeod, Metlen, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Mr. Speaker—43.

Absent—Bennett, Boylan, Burke, Bywater, Fine, Finlen, Gibson, Hedges, Jacqueth, Luddy, Madden, Magee, McLaughlin, Moran, More, Murray, Normoyle, O'Brien, Parker, Stapleton, Stephens, Truscott, Walsh, Warren, Watson, Wilson, Woods—27.

House Bill No. 93 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Clifford, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Warren, Watson, Mr. Speaker—47.

Absent—Boylan, Burke, Bywater, Conrow, Cooney, Gibson, Ingersoll, Jacqueth, Lamb, Long, Losekamp, Luddy, Madden, Moran, O'Brien, Parker, Stapleton, Stephens, Toole, Truscott, Walsh, Wilson, Woods—23.

House Bill No. 101 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Clifford, Conrow, Cooney, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, McLeod, Metlen, Murray, Normoyle, Paul, Phelps, Potting, Sands, Stone, Sullivan, Sweeney, Swindlehurst, Wilson, Woods, Mr. Speaker—45.

Absent—Boylan, Burke, Bywater, Crutchfield, Finlen, Fitzpatrick, Gibson, Ingersoll, Jacqueth, Lamb, Madden, Matts, McLaughlin, Moran, More, O'Brien, Parker, Shovlin, Stapleton, Stephens, Toole, Truscott, Walsh, Warren, Watson—25.

House Bill No. 96 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Conrow, Cooney, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hill, Hutchinson, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Murray, Normoyle, Paul, Phelps, Potting, Sands, Swindlehurst, Toole, Truscott, Warren, Wilson, Woods, Mr. Speaker—47.

Noes—Bywater, Clifford, Magee, Stone—4.

Absent—Crutchfield, Gibson, Hedges, Ingersoll, Jacqueth, Lamb, Madden, Moran, More, O'Brien, Parker, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Walsh, Watson—19.

House Bill No. 104 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Losekamp, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Murray, Normoyle, Paul, Phelps, Potting, Sands, Stone, Sweeney, Swindlehurst, Toole, Truscott, Wilson, Woods, Mr. Speaker—52.

Absent—Crutchfield, Eversole, Gibson, Jacqueth, Johnson, Long, Luddy, Moran, More, O'Brien, Parker, Shovlin, Stapleton, Stephens, Sullivan, Walsh, Warren, Watson—18.

House Bill No. 29 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Clifford, Finlen, Fitzpatrick, Gallwey, Gillette, Hedges, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Mad-

den, Marcyes, Matts, McLaughlin, More, Murray, Normoyle, Paul, Potting, Sands, Stapleton, Stone, Sweeney, Toole, Walsh, Warren, Wilson, Mr. Speaker—40.

Noes—Black, Conrow, Cooney, Day, Eversole, Fine, Flinn, Garr, Gibson, Hill, Hutchinson, Johnson, Kuphal, Lindsay, Martin, McLeod, Metlen, Phelps, Shovlin, Swindlehurst, Truscott, Woods—22.

Absent—Bywater, Magee, Moran, O'Brien, Parker, Stephens, Sullivan, Watson—8.

The House concurred in the Senate amendment to the title of Substitute for House Bill No. 36 by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Conrow, Cooney, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lindsay, Lockhart, Losekamp, Luddy, Madden, Martin, McLaughlin, McLeod, Metlen, Parker, Paul, Phelps, Potting, Sands, Shavlin, Stapleton, Stone, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Woods, Mr. Speaker—49.

Noes—Burke, Clifford, Crutchfield, Gallwey, Lamb, Lewis, Marcyes—7.

Absent—Bywater, Ingersoll, Long, Magee, Matts, Moran, More, Murray, Normoyle, O'Brien, Stephens, Sullivan, Watson, Wilson—14.

The senate amendments to the title of House Bill No. 1 were agreed to by a viva voce vote.

Upon motion of Kelley, C. F., seconded by Lewis, the House adjourned until 10:30 to-morrow.

Roll call being demanded, the vote was as follows:

Ayes—Beasley, Black, Bonner, Boylan, Burke, Clifford, Conrow, Crutchfield, Finlen, Fitzpatrick, Gillette, Hill, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Madden, Matts, McLaughlin, Murray, Normoyle, Parker, Potting, Sands, Stone, Toole, Walsh, Warren, Mr. Speaker—31.

Noes—Bennett, Cooney, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gibson, Hedges, Hutchinson, Johnson, Kuphal, Lindsay, Lockhart, Long, Losekamp, Marcyes, Martin, McLeod, Metlen, More, Paul, Phelps, Shovlin, Sweeney, Swindlehurst, Truscott, Woods—29.

Absent—Bywater, Luddy, Magee, Moran, O'Brien, Stapleton, Stephens, Sullivan, Watson, Wilson—10.

The House thereupon adjourned.

C. R. CRAIG,  
Chief Clerk.

## FIFTY-SECOND DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 22nd, 1899.

The House met at 10:30 a. m. pursuant to adjournment.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The report of the Journal Committee was received.

Helena, Montana, February 22nd, 1899.

Mr. Speaker:

We, your committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the Proceedings of the fifty-first day and find the same correct, and recommend that the Journal be approved as recorded.

DAY,  
Chairman.

On motion of Day, the report was adopted and the reading of the Journal was dispensed with.

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### NOTICES.

The following notice was given:

By Hedges:

Helena, Montana, February 22nd, 1899.

Mr. Speaker:

I hereby give notice that on to-morrow or some subsequent day I will introduce a bill for an act entitled an act to appropriate certain money to the State Veterinarian, to use in making investigations upon the inoculation of wolves and coyotes with certain diseases, as therein provided.

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### REPORTS OF STANDING COMMITTEES.

The following reports were received from the Standing Committees of the House:

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on State Institutions, Public Buildings and Grounds,



to whom was referred Senate Bill No. 61, a bill for an act authorizing and directing the Governor of the State of Montana to correct and cause to be corrected any and all errors, mistakes and misdescriptions in any deeds or conveyances of any and all property, conveyed to the State of Montana for the use and benefit of any public institution belonging to the state, and also authorizing and directing the Governor to make any and all necessary conveyances in the name of the state, which may be found necessary to carry into effect the provisions of this act, respectfully report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

And Senate Bill No. 61 placed on general orders.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

Your Committee on Ways and Means, to whom was referred Senate Bill No. 57, being a bill for an act to repeal Section 4061, of the Political Code, herewith return the same with the recommendation that it do pass.

LEWIS,  
Chairman.

And Senate Bill No. 57 was referred to general orders.

Helena, Montana, February 22nd, 1899.

Mr. Speaker:

Your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 123, introduced by Johnson, entitled "A bill for an act to prohibit the deposit or dumping of coal slack or debris in the streams of water in this state, recommend that its further consideration be indefinitely postponed.

WILSON,  
Chairman.

On motion of Johnson, House Bill No. 123 was referred to Printing Committee.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Lindsay:

House Bill No. 179—A bill for an act entitled an act to amend Section 3180 of the Political Code of the State of Montana, relating to elections to determine whether or not spirituous or malt liquors, wine or cider or any intoxicating drinks may be sold within the limits of any township or county.

By Boylan:

House Bill No. 180—A bill for an act to amend Section 2661 of the Penal Code of the State of Montana, relating to proceedings in bastardy.

## FIRST READING OF HOUSE BILLS.

House Bill No. 179 was read a first and second time and referred to Committee on Judiciary.

House Bill No. 180 was read a first and second time and referred to Committee on Judiciary.

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## COMMUNICATIONS.

The following communication was received:

Helena, Montana, February 22d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senators Campbell, Stanton and Worden have been appointed as Conference Committee on Senate Bill No. 32.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, February 21st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bills Nos. 92 and 100 have been indefinitely postponed.

That the President has signed Senate Bills Nos. 21, 42, 24, 15, 44, 46 and 50, and Senate Joint Resolution No. 3.

That Senate Bill No. 22 has been rejected.

That Senate Bill No. 80 and Senate Joint Memorial No. 5 have been passed and transmitted to Chief Clerk for your concurrence.

And that the Governor has signed and approved Senate Bill No. 12, Substitute for Senate Bill No. 6 and Senate Bill No. 11.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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Senate Bill No. 80 was read first and second time and referred to Judiciary Committee.

Senate Bill No. 30 was read first and second time and referred to Judiciary Committee.

Senate Joint Memorial No. 5 was read first and second time and referred to Committee on Federal Relations.

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## THIRD READING OF BILLS.

The following bills were read third time and passed.

House Bill No. 124. Ayes 61, noes 0, absent 9.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Willson, Woods, Mr. Speaker—61.

Absent—Boylan, Clifford, Kelley of Cascade, Lamb, Moran, O'Brien, Stapleton, Stone, Truscott—9.

House Bill No. 60 was read a third time and lost by the following vote:

Ayes 25, noes 34, absent 11.

Ayes—Beasley, Bonner, Boylan, Burke, Bywater, Eversole, Gallwey, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Lewis, Lindsay, Long, Losekamp, Madden, Magee, Normoyle, Sands, Stephens, Stone, Sullivan, Woods, Mr. Speaker—25.

Noes—Bennett, Conrow, Crutchfield, Day, Fine, Fitzpatrick, Flinn, Garr, Gibson, Gillette, Hill, Kelly of Silver Bow, Kuphal, Lockhart, Luddy, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Shovlin, Stapleton, Sweeney, Swindlehurst, Toole, Walsh, Warren—34.

Absent—Black, Clifford, Cooney, Finlen, Kelley of Cascade, Lamb, Moran, O'Brien, Truscott, Watson—11.

House Bill No. 28 was read a third time and lost by the following vote:

Ayes 32, noes 32, absent 6.

Ayes—Beasley, Boylan, Burke, Cooney, Crutchfield, Eversole, Finlen, Fitzpatrick, Gallwey, Gillette, Ingersoll, Jacqueth, Kelly of Silver Bow, Lamb, Lewis, Losekamp, Madden, Marcyes, Matts, Moran, Murray, Normoyle, Parker, Stone, Sullivan, Sweeney, Swindlehurst, Walsh, Warren, Watson, Willson, Mr. Speaker—32.

Noes—Bennett, Black, Bonner, Conrow, Day, Fine, Flinn, Garr, Gibson, Hedges, Hill, Hutchinson, Johnson, Kuphal, Lindsay, Long, Luddy, Magee, Martin, McLaughlin, McLeod, Metlen, More, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Toole, Truscott, Woods—32.

Absent—Bywater, Clifford, Kelley of Cascade, Lockhart, Moran, O'Brien—6.

House Bill No. 78 was read a third time and passed by the following vote:

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Madden, Magee,

Marcy,es, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Paul, Phelps, Potting, Sands, Shovlin, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—57.

Noes—Burke, Lamb, Luddy, Stephens—4.

Absent—Clifford, Ingersoll, Kelley of Cascade, Losekamp, Martin, Moran, O'Brien, Parker, Stapleton—9.

Title agreed to.

On motion of Fine, House took a recess until 2 p. m.

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2 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

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#### REPORTS OF STANDING COMMITTEES.

From the Committee on Highways.

Helena, Montana, February 22d, 1899.

Mr. Speaker:

Your Committee on Highways, having had under consideration House Bill No. 169, "A bill for an act entitled an act to repeal an act entitled An act to define the powers and duties of county surveyors, and to provide for their compensation and to abolish the office of road supervisor, Fifth Session Laws of Montana, pages 71, 72, 73, 74 and 75, approved March 4th, 1897, beg to submit to you the following minority report: That we would recommend that said bill be indefinitely postponed, for the reason that if said bill should become a law it would repeal all the road laws relative to the laying out, maintenance, construction and surveying of any roads within the State.

JACQUETH.

HILL.

Helena, Montana, February 22d, 1899.

Mr. Speaker:

Your Committee on Highways, having had under consideration House Bill No. 169, beg to submit to you the following majority report: That we would recommend that said bill do pass.

CONROW.

SANDS.

MARCYES.

FITZPATRICK.

SHOVLIN.

McLEOD.

Majority report adopted and House Bill No. 169 referred to the Printing Committee.

## NOTICES.

The following notice of the introduction of a bill was given by Jacqueth:

Mr. Speaker:

I hereby give notice that on to-morrow or some subsequent day I will introduce a bill for an act to amend Sections 1, 2, 3, 13 and 15 of an act approved March 4th, 1897, entitled an act to define the powers and duties of county surveyors and to provide for their compensation and to abolish the office of road supervisor.

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COMMUNICATIONS FROM THE SENATE.

The following communication was received from the Senate:

Helena, Montana, February 22d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 132 has been concurred in and title agreed to, and same has been transmitted to Chief Clerk.

Very respectfully,

D. P. O'CONNOR,

Secretary.

And House Bill No. 132 was referred to Enrollment Committee.

The following motion was made by Luddy, seconded by Stapleton:

Mr. Speaker:

I hereby move to at once reconsider the vote whereby House Bill No. 28 was lost, under rule 23, page 13, of this House, having voted with the prevailing side.

On motion of Watson a call of the House was ordered, seconded by ten members.

The roll was called and there was absent Clifford, Moran, O'Brien and Walsh. Messrs Clifford, Moran and O'Brien being excused, the sergeant at arms was instructed to bring Walsh before the bar of the House, Walsh appearing on the floor of the House. On motion of Wilson further proceedings under the call were suspended.

The vote by which House Bill No. 28 was lost was then reconsidered and House Bill No. 28 passed by the following vote, title agreed to:

Ayes 35, noes 32, absent 3.

Ayes—Beasley, Boylan, Burke, Cooney, Crutchfield, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Gillette, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Lockhart, Losekamp, Madden, Marcyes, Matts, Murray, Normoyle, Parker, Stapleton, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Warren, Watson, Wilson, Mr. Speaker—35.

Noes—Bennett, Black, Bonner, Bywater, Conrow, Day, Fine, Garr, Gib-

son, Hedges, Hill, Hutchinson, Johnson, Kuphal, Lindsay, Long, Luddy, Magee, Martin, McLaughlin, McLeod, Metlen, More, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Truscott, Walsh, Woods—32.

Absent—Clifford, Moran, O'Brien—3.

Helena, Montana, February 22d, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Substitute for Senate Bill No. 38, House Bills Nos. 106, 70 and 45, report the same back as correctly engrossed.

COONEY.

Chairman.

House Substitute for Senate Bill No. 38 and House Bills Nos. 106, 70 and 45 were placed on file for third reading.

### THIRD READING OF BILLS.

Senate Bill No. 61 was read a third time and lost by the following vote:

Ayes 27, noes 35, absent 8.

Ayes—Beasley, Bonner, Boylan, Cooney, Finlen, Gallwey, Gillette, Hedges, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Lewis, Lindsay, Long, Madden, Magee, Murray, Phelps, Sands, Stone, Sweeney, Toole, Warren, Watson, Wilson, Mr. Speaker—27.

Noes—Bennett, Black, Bywater, Conrow, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Garr, Gibson, Hill, Hutchinson, Kelley of Cascade, Kuphal, Lamb, Lockhart, Luddy, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Paul, Potting, Shovlin, Stapleton, Stephens, Sullivan, Swindlehurst, Walsh, Woods—35.

Absent—Burke, Clifford, Losekamp, Moran, Normoyle, O'Brien, Parker, Truscott—8.

The Committee on Enrollment made the following report:

Helena, Montana, February 22, 1899.

Mr. Speaker:

Your Committee on Enrollment beg leave to report House Bills Nos. 1 and 132 as correctly enrolled.

MADDEN,

Chairman.

House Bills Nos. 1 and 132 having been reported correctly enrolled, Mr. Speaker notified the House that he was about to sign the same, and signed the same in the presence of the House.

House Bill No. 79 was read a third time and passed, title agreed to, by the following vote:

Ayes 55, noes none, absent 15.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Conrow, Cooney, Crutchfield, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Long, Luddy, Magee, Marcyes, Matts, Martin, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Woods, Mr. Speaker—55.

Absent—Bywater, Clifford, Day, Hutchinson, Jacqueth, Lamb, Lockhart, Losekamp, Madden, Moran, O'Brien, Stone, Truscott, Watson, Wilson—15.

House Bill No. 113 was read a third time and passed, title amended, by the following vote:

Ayes 60, noes 1, absent 9.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Woods, Mr. Speaker—60.

Noes—Lindsay—1.

Absent—Clifford, Flinn, Jacqueth, Johnson, Martin, Moran, O'Brien, Truscott, Wilson—9.

House Bill No. 38 was read a third time and passed, title agreed to, by the following vote:

Ayes 58, noes none, absent 12.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Kelley of Cascade, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Toole, Walsh, Warren, Woods, Mr. Speaker—58.

Absent—Clifford, Flinn, Jacqueth, Johnson, Kelly of Silver Bow, Madden, Moran, O'Brien, Sullivan, Truscott, Watson, Wilson—12.

House Bill No. 106 was read a third time and passed, the title agreed to, by the following vote:

Ayes 56, noes 5, absent 9.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of

Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Losekamp, Luddy, Madden, Marcyes, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Wilson, Woods, Mr. Speaker—56.

Noes—Bywater, Conrow, Long, Magee, Martin—5.

Absent—Clifford, Gillette, Johnson, Moran, Normoyle, O'Brien, Stone, Truscott, Watson—9.

House Bill No. 70 was read a third time and passed, title agreed to, by the following vote:

Ayes 50, noes none, absent 12.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Wilson, Woods, Mr. Speaker—58.

Absent—Clifford, Eversole, Finlen, Ingersoll, Johnson, Lamb, Losekamp, Moran, Normoyle, O'Brien, Truscott, Watson—12.

House Bill No. 45 was read a third time and passed, title agreed to, by the following vote:

Ayes 63, noes 0, absent 7.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Wilson, Woods, Mr. Speaker—63.

Absent—Clifford, Johnson, Moran, O'Brien, Stapleton, Truscott, Watson—7.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Enrollment made the following report:

Helena, Montana, February 22d, 1899.

Mr. Speaker:

Your Committee on Enrollment report substitute No. 1 for House Bill No. 36 as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker notified the House that he was about to sign substitute No. 1 for House Bill No. 36, and signed the same in the presence of the House.



The Printing Committee made the following report:

Helena, Montana, February 22d, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Substitute for Senate Bill No. 38 and House Bill Nos. 17 and 128, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

Mr. Speaker:

Your Committee on Printing, to whom was referred Substitute for House Bill No. 116, House Bill No. 137 and House Joint Memorial No. 4, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

And House Bills Nos. 17, 128, 116, 137, House Substitute for Senate Bill No. 38, and House Joint Memorial No. 4 were placed on General Orders.

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#### COMMUNICATIONS.

The following communication was received from the Senate:

Helena, Montana, February 22d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 124 has been concurred in and is herewith respectfully transmitted.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bill No. 124 was referred to Enrollment Committee:

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#### REPORT OF STANDING COMMITTEE.

The Committee on Enrollment made the following report:

Helena, Montana, February 22d, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bill No. 124 as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker notified the House that he was about to sign House Bill No. 124, and signed the same in the presence of the House.

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#### COMMITTEE OF THE WHOLE.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

House resumed.

Mr. Speaker in the Chair.

Lamb, Chairman Committee of the Whole, reported progress and asked leave to sit again.

On motion, House resolved itself into Committee of the Whole, Lamb in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Toole, Chairman of the Conference Committee in Reference to Senate Bill No. 32, made the following report:

Helena, Montana, February 22d, 1899.

To the Senate and House of Representatives of the Sixth Legislative Assembly:

We, your Committee of Conference relative to Senate Bill No. 32, beg leave to report that we have had the same under consideration and recommend that the House amendment be concurred in with the following amendment added thereto:

Add at the end of Section 3:

"And provided further, that none of the persons herein named shall be authorized to hold said office or exercise its functions unless at the time he shall be a citizen of the United States, and shall have been a citizen of this State at least one year next preceding his exercising the functions thereof."

CAMPBELL.

STANTON.

WORDEN.

TOOLE.

BYWATER.

The House adopted the report and Senate Bill No. 32 was passed in accordance to the report of the Conference Committee by the following vote:

Ayes 45, noes 15, absent 10.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Day, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Martin, Matts, McLaughlin, Metlen, More, Murray, Normoyle, Parker, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Toole, Warren, Woods—45.

Noes—Conrow, Cooney, Crutchfield, Eversole, Gibson, Gillette, Marcyes, McLeod, Paul, Shovlin, Sullivan, Sweeney, Swindlehurst, Walsh, Mr. Speaker—15.

Absent—Bywater, Clifford, Fine, Johnson, Magee, Moran, O'Brien, Truscott, Watson, Wilson—10.

## COMMITTEE OF THE WHOLE

House resolved itself into Committee of the Whole, Lamb in the Chair.

House resumed.

Mr. Speaker in the Chair.

Lamb, Chairman of the Committee of the Whole, asked for further time to make report, which was granted.

On motion of Burke, House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,

Chief Clerk.

## FIFTY-THIRD DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 23d, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Day, Chairman Journal Committee, made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

We, your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the proceedings of the fifty-second day, and find the same correct, and recommend that the Journal be approved as recorded.

DAY,  
Chairman.

Report adopted and reading of Journal dispensed with.

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### PETITIONS.

Petitions were presented by Fine, protesting against division of Madison County, and referred to Committee on Townships and Counties.

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### NOTICES.

Helena, Montana, February 23d, 1899.

Mr. Speaker:

We, your Committee on Ways and Means, hereby give notice that we purpose introducing on to-morrow or some subsequent day, "A bill for an act to amend Section 4604 of the Political Code, relative to salaries and fees of officers."

LEWIS,  
Chairman.

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### REPORTS OF STANDING COMMITTEES.

The Committee on Enrollment made the following reports:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented Substitute No. 1 for House Bill No. 36 to the Governor for his signature, at 10:30 a. m.

MADDEN,  
Chairman.

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills Nos. 1, 124, 132 to the Governor for his signature, at 10:30 a. m.

MADDEN,  
Chairman.

The Committee on State Boards and Officers made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

We, the undersigned, a minority of your Committee on State Boards and Officers, respectfully beg leave to dissent from the report of the majority of said Committee on House Bill No. 149, believing as we do that the present salary paid to Justices of the Supreme Court is totally inadequate, and that any increase thereof will result beneficially to the entire State. We therefore recommend that the amount named in said bill be amended so as to read fifteen hundred dollars, instead of twenty-five hundred dollars, and that as amended the bill do pass.

P. G. SULLIVAN.  
C. F. KELLEY.

Helena, Montana, February 23d, 1899.

Mr. Speaker:

The majority of your Committee on State Boards and Officers, having had under consideration House Bill No. 149, entitled "A bill for an act abolishing the office of Reporter of the Supreme Court, requiring the persons who may be Justices of said Court to report decisions, and fixing their duties and compensation," beg leave to report the same back with the recommendation that the bill be indefinitely postponed.

C. F. KELLEY,  
Chairman.

Majority report adopted and House Bill No. 149 indefinitely postponed.

The Judiciary Committee made the following reports:

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 158, introduced by Ways and Means Committee, entitled "A bill for an act entitled an act to amend Section 414, of the Civil Code

of the State of Montana, relating to formation corporations," beg leave to recommend that the same be printed.

CRUTCHFIELD,  
Chairman.

Report adopted and House Bill No. 158 referred to Printing Committee.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 80, introduced by Gruwell, entitled "A bill for an act to amend Section 2074, of the Penal Code, relating to the granting of separate trials to defendants,"

House Bill No. 122, introduced by Potting, entitled "A bill for an act to repeal Sections 3689 and 3699, of the Political Code of the State of Montana," and

House Bill No. 173, introduced by Truscott, entitled "A bill for an act entitled an act to authorize the clerk of the district court to summon trial jurors by registered mail," beg leave to recommend that the consideration of same be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

The report was adopted and Senate Bill No. 80 and House Bills Nos. 122 and 173 were indefinitely postponed.

The Steering Committee made the following report, which was placed on file.

Helena, Montana, February 23d, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of bills, resolutions and memorials now on general orders in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

Senate Joint Memorial No. 4.  
Senate Bill No. 25.  
Senate Bill No. 61.  
Senate Bill No. 57.  
House Substitute for Senate Bill No. 38.  
Senate Bill No. 71.  
House Bill No. 133.  
House Bill No. 72.  
House Resolution No. 5.  
House Joint Memorial No. 4.  
House Bill No. 145.  
House Bill No. 156.  
House Bill No. 157.  
House Bill No. 155.  
House Bill No. 151.

House Bill No. 152.  
Substitute for House Bill No. 116.  
Substitute for House Bill No. 5.  
House Bill No. 146.  
House Bill No. 129.  
House Bill No. 135.  
House Bill No. 2.  
Substitute for House Bill No. 69.  
House Bill No. 125.  
House Bill No. 49.  
House Bill No. 118.  
House Bill No. 46.  
House Bill No. 53.  
House Bill No. 66.  
House Bill No. 108.  
House Bill No. 57.  
House Bill No. 17.

Signed, E. D. MATTS,  
Chairman House Steering Committee.

Approved, C. W. HOFFMAN,  
Chairman Senate Steering Committee.

The Committee on Federal Relations made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

We, your Committee on Federal Relations, having considered House Joint Memorial No. 6, report the same back with the recommendation that it do pass.

STAPLETON,  
Chairman.

Report adopted and House Joint Memorial No. 6 referred to Printing Committee.

On motion of Lindsay, rules were suspended and House Joint Memorial No. 6 was placed on general orders.

The Committee on Engrossment asked leave to employ two additional clerks.

The request was granted by the House.

The Committee on Judiciary made the following report:

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 174, introduced by Committee on Ways and Means, entitled "A bill for an act entitled an act to amend House Bill No. 77, of the acts of the Fifth Legislative Assembly, entitled 'An act to amend Section 705, Title X, of the Penal Code of the State of Montana, to have the cages of all mines cased in,' Fifth Session Laws, pages 245 and 246,' beg leave to recommend

that said bill be indefinitely postponed, and in its stead to introduce a substitute, and that the substitute do pass."

CRUTCHFIELD,  
Chairman.

The report was adopted and House Bill No. 174 was indefinitely postponed.

**Mr. Speaker:**

We, your Committee on Judiciary, having had under consideration Senate Bill No. 30, introduced by Stanton, entitled "A bill for an act abolishing the office of reporter of the Supreme Court, requiring the persons who may be Justices of said court to report decisions and fixing their duties and their compensations," beg leave to report that the majority of said committee recommend that the bill be concurred in.

CRUTCHFIELD,  
Chairman.

The report was adopted and Senate Bill No. 30 was placed on general orders.

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### INTRODUCTION OF BILLS.

The following bills were introduced:

By Lindsay:

House Bill No. 181—A bill for an act to amend Section 3037 of Article VI, of the political code of Montana, to prevent the removal of sheep from one county to another within the state, without a certificate of health from the deputy inspector.

By Hedges:

House Bill No. 182—A bill for an act entitled "An act authorizing the issuance of additional bonds to aid in the construction of the State Capitol building, and permitting certain changes to be made in the contract for the construction of the same.

By Clifford:

House Bill No. 183—A bill for an act to amend Section 749 and 752 of the Penal Code of the State of Montana, relating to ring and prize fights, and premeditated contests and boxing matches.

By Lamb:

House Bill No. 184—A bill for an act to amend Section 1 of House Bill No. 204, an act relating to public improvements in cities and towns and repealing Sections 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826, 4827, 4828, 4829, 4830, 4880, 4881, 4882, 4883, 4884, 4885, 4886, 4887, 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899 of the Political Code of the State of Montana, approved March 8th, 1897."



## REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 23d, 1899.

**Mr. Speaker:**

Your Committee of the Whole, having had under consideration the General Orders, have instructed me to make the following report:

**First:**

That we have had under consideration House Bill No. 54, and report the same back with amendments, and recommend that as amended it do pass.

**Second:**

That we have had under consideration House Bill No. 120, and report the same back with amendments, and the recommendation that as amended it do pass.

**Third: •**

That we have had under consideration House Bill No. 52, and report the same back with amendments, and the recommendation that as amended it do pass.

**Fourth:**

That we have had under consideration Senate Joint Memorial No. 3, and report the same back with the recommendation that the House do concur.

**Fifth:**

That we have had under consideration House Joint Memorial No. 1, and report the same back with the recommendation that it be indefinitely postponed for the reason that Senate Joint Memorial No. 1 covers exactly the same ground, and is now in the House for concurrence.

**Sixth:**

That we have had under consideration House Joint Memorial No. 2, and report the same back with the recommendation that it do pass.

**Seventh:**

That we have had under consideration House Bill No. 55, and report the same back with the recommendation that it be indefinitely postponed.

**Eighth:**

That we have had under consideration Senate Substitute for House Bill No. 20, and report the same back with the recommendation that the House do concur.

**Ninth:**

That we have had under consideration Senate Bill No. 36, and report the same back with amendments, and the recommendation that as amended the House do concur.

**Tenth:**

That we have had under consideration Senate Bill No. 62, and report the same back with the recommendation that the House do concur.

**Eleventh:**

That we have had under consideration Senate Bill No. 72, and report the same back with the recommendation that the House do concur.

Twelfth:

That we have had under consideration Senate Bill No. 63, and report the same back with the recommendation that the House do concur.

Thirteenth:

That we have had under consideration Senate Bill No. 43, and report the same back with the recommendation that the enacting clause be stricken out.

All of which is respectfully submitted,

LAMB  
Chairman.

The report was adopted and House Bills Nos. 54, 120, 52 and House Joint Memorial No. 2 were referred to Engrossment Committee, and Senate Joint Memorial No. 3, Senate Substitute for House Bill No. 20, Senate Bill No. 36, Senate Bill No. 62, Senate Bill No. 72, Senate Bill No. 63 were placed on file for third reading.

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#### READING OF HOUSE BILLS.

Substitute for House Bill No. 174 was read a first and second time and referred to Committee on Mines and Mining.

House Bill No. 181 was read a first and second time and referred to the Committee on Agriculture and Stockgrowing.

House Bill No. 182 was read a first and second time and referred to the Committee on Appropriations.

House Bill No. 183 was read a first and second time and referred to the Committee on Judiciary.

House Bill No. 184 was read a first and second time and referred to the Committee on Affairs of Cities.

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#### MESSAGES FROM THE SENATE.

The following message was received from the Senate:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Substitute for Senate Bill No. 51 and Senate Bills Nos. 54 and 82 have been indefinitely postponed.

That the President has signed House Bills Nos. 1 and 132, and Substitute for House Bill No. 36.

That the amendment to Senate Bill No. 32, as reported by Conference Committee, has been concurred in.

That Senate Joint Memorial No. 6, Senate Substitute for House Bill No. 34, and Senate Bills Nos. 91, 97, 86 and 79 have been passed and transmitted to Chief Clerk for your consideration.

That House Bill No. 43, as amended, has been concurred in and trans-

mitted to Chief Clerk, and your concurrence to amendment is respectfully requested.

The following bills were introduced without previous notice:

By Stanton:

Senate Bill No. 101—A bill for an act to amend Section 4765, Chapter III, Article II, Title III, Part IV, of the Political Code, relating to salary and compensation of police judges.

By Phillips:

Senate Bill No. 102—A bill for an act to amend Section 3037, of Article VI, of the Political Code of Montana, to prevent the removal of sheep from one county to another within the State, without a certificate of health from the deputy inspector.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

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#### READING OF SENATE BILLS.

The following Senate Bills, 91, 97, Senate Substitute for House Bill No. 34, Senate Bills 86, 79 and Senate Joint Memorial No. 6, were read a first and second times and referred as follows:

Senate Bills 86, 91, 97 and Senate Substitute to House Bill No. 34, were referred to Judiciary Committee, Senate Bill No. 79 to the Committee on Insurance, Senate Joint Memorial No. 6 to the Committee on Federal Relations.

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#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was referred House Bill No. 171, after having had the same under consideration, report the same back with the recommendation that it be indefinitely postponed.

WOODS,  
Chairman.

Report adopted and House Bill No. 171 indefinitely postponed.

Your Committee on Agriculture and Stockgrowing, to whom was referred House Bill No. 178, having had same under consideration, report the same back with the recommendation that it do pass.

WOODS,  
Chairman.

Report adopted and House Bill No. 178 referred to Printing Committee.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was re-

ferred Senate Bill No. 45, having had the same under consideration, report the same back with the recommendation that it do pass.

WOODS,  
Chairman.

Adopted.

Report adopted and Senate Bill No. 45 placed on General Orders.

Senate amendment to House Bill No. 43 was concurred in by the following vote:

Ayes 46, noes 15, absent 9.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Conrow, Day, Eversole, Fine, Finlen, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Lockhart, Long, Losekamp, Madden, Magee, Martin, Matts, Metlen, More, Paul, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—46.

Noes—Cooney, Crutchfield, Gallwey, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Lindsay, Luddy, Marcyes, McLaughlin, McLeod, Murray, Phelps, Potting—15.

Absent—Bywater, Fitzpatrick, Flinn, Moran, Normoyle, O'Brien, Parker, Toole, Truscott—9.

And House Bill No. 43 was referred to the Committee on Enrollment.

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#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred Substitute for House Bill No. 174, introduced by the Committee on Judiciary, being a bill for an act to amend "An act to amend Section 705 of Title X, of the Penal Code of the State of Montana, to have the cages in all mines cased in," approved March 1st, 1897, have had the same under consideration and respectfully report the same back with the recommendation that the same do pass.

FINLEN,  
Chairman.

And Substitute for House Bill No. 174 was ordered printed.

On motion of Lewis, House took a recess until 2:30 p. m.

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2:30 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Cooney, Chairman of the Engrossment Committee, made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bill No. 121, report the same back as properly engrossed.

COONEY,  
Chairman.

House Bill No. 121 was placed on file for third reading.

Madden, Chairman of the Committee on Enrollment, made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bill No. 43 as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker notified the House that he was about to sign House Bill No. 43, and signed the same in the presence of the House.

Day made the following motion:

That Substitute No. 2 for House Bill No. 36 be ordered back from the Printing Committee and placed on General Orders.

Motion carried and Substitute No. 2 for House Bill No. 36 was placed on General Orders.

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#### COMMITTEE OF THE WHOLE.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Stapleton in the Chair.

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House resumed.

Mr. Speaker in the Chair.

The Chairman of the Enrolling Committee of the Senate was announced by the Sergeant at Arms and Mr. Speaker notified the House that he was about to sign Senate Bills No. 32 and No. 50, and signed the same in the presence of the House.

The Engrossment Committee made the following report:

Mr. Speaker:

Your Committee on Engrossment, having had House Bill No. 120 and House Joint Memorial No. 2, report the same back correctly engrossed.

COONEY,  
Chairman.

House Bill No. 120 and House Joint Memorial No. 2 were placed on file for third reading.

The Enrolling Committee made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bill No. 43 to the Governor for his signature at 4:15 p. m.

MADDEN,  
Chairman.

The Printing Committee made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills Nos. 44, 141, 138, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

House Bills Nos. 44, 141 and 138 were placed on General Orders.

House resumed as Committee of the Whole for the consideration of General Orders.

Stapleton in the Chair.

House resumed.

Mr. Speaker in the Chair.

Stapleton, Chairman Committee of the Whole, asked and was granted time to make report.

The Judiciary Committee made the following report:

Helena, Montana, February 23d, 1899.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 183, A bill for an act to amend Sections 749 and 752 of the Penal Code of the State of Montana, relating to ring and prize fights and premeditated contests and boxing matches, respectfully report the same back with the recommendation that the same be printed.

CRUTCHFIELD,  
Chairman.

And House Bill No. 83 was referred to the Printing Committee.

On motion of Day, House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## **FIFTY-FOURTH DAY.**

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### **HOUSE OF REPRESENTATIVES.**

Helena, Montana, February 24th, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Day, Chairman of Committee to examine the Journal, made the following report:

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee appointed to examine the Journal, beg leave to report that we have examined the Journal of the Proceedings of the fifty-third day, and find the same correct, and recommend that the Journal be approved as recorded.

DAY,  
Chairman.

The report was adopted and the reading of the Journal was dispensed with.

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### **PETITIONS.**

Gibson presented two petitions, protesting against the division of Madison County.

The petitions were received and read and referred to the Committee on Townships and Counties.

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### **REPORTS OF STANDING COMMITTEES.**

Helena, Montana, February 24th, 1899.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 161, a bill for an act to amend Section 4062 of the Political Code of Montana, have drawn a substitute therefor, and recommend that said substitute do pass.

LEWIS,  
Chairman.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

We, your Committee on Ways and Means, having had under consideration House Bill No. 177, a bill for an act to amend Section 3350 of the Code of Civil Procedure, herewith return same with the recommendation that it be printed.

LEWIS,  
Chairman.

The reports were adopted and House Bill No. 161 was indefinitely postponed.

Substitute for House Bill No. 161 was placed on file for first and second reading and House Bill No. 177 was referred to Printing Committee.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee on Mines and Mining, to whom was referred Senate Bill No. 75, beg leave to report the same back with the recommendation that the House concur therein.

FINLEN,  
Chairman.

The report was adopted and Senate Bill No. 75 was placed on General Orders.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of bills, resolutions and memorials now on General Orders in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

Senate Bill No. 30.  
House Bill No. 114.  
House Bill No. 137.  
Substitute for House Bill No. 5.  
House Bill No. 2.  
Substitute for House Bill No. 69.  
House Bill No. 129.  
House Bill No. 135.  
House Bill No. 125.  
House Bill No. 46.  
House Bill No. 118.  
House Bill No. 49.  
House Bill No. 57.  
Substitute No. 2 for House Bill No. 36.  
House Bill No. 66.  
House Bill No. 108.  
House Bill No. 146.



House Bill No. 73.  
House Bill No. 17.  
House Bill No. 44.  
House Bill No. 126.  
House Bill No. 53.  
House Bill No. 115.  
House Bill No. 111.

Signed, E. D. MATTS,  
Chairman House Steering Committee.

Approved, C. W. HOFFMAN,  
Chairman Senate Steering Committee.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 180, introduced by Boylan, entitled "A bill for an act to amend Section 2661, of the Penal Code of the State of Montana, relating to proceedings in bastardy," respectfully report the same back with the recommendation that said bill be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 53, introduced by Stanton, entitled "A bill for an act to provide for the creation of a board of sinking fund commissioners, and defining their powers and duties,"

Senate Substitute for House Bill No. 34, introduced by Judiciary Committee, entitled "A bill for an act to amend Section 4646, Chapter IV, Title II, Part IV, of the Political Code of the State of Montana, relating to Jurors' fees,"

Senate Bill No. 66, introduced by Meyers, entitled "A bill for an act to amend Section No. 1480, of Title XI, Chapter I, of the Code of Civil Procedure of Montana, relating to place of trial of actions in Justices' courts,"

Senate Bill No. 86, introduced by Stanton, entitled "A bill for an act to extend Chapter IV, Title VII, Part II, of the Code of Civil Procedure, relating to civil actions, by adding thereto a section to be numbered 926, and to provide for attachments prior to maturity of debts," and

Senate Bill No. 91, introduced by Stanton, entitled "A bill for an act to provide for the filing of contracts, notes and instruments for the sale of personal property, where the title is to remain in the vendor until purchase price is paid," beg leave to respectfully recommend that said bills be concurred in.

CRUTCHFIELD,  
Chairman.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration House Bill No. 179, introduced by Lindsay, entitled "A bill for an act entitled

an act to amend Section 3180, of the Political Code of the State of Montana, relating to elections to determine whether or not spirituous or malt liquors, wine or cider, or any intoxicating liquors or drinks may be sold within the limits of any township or county," beg leave to recommend that said bill be printed.

CRUTCHFIELD,  
Chairman.

The reports were adopted, and House Bill No. 180 was indefinitely postponed, Senate Bills Nos. 53, 66, 86, 91 and Senate Substitute to House Bill No. 34 were placed on General Orders, and House Bill No. 179 was referred to Printing Committee.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bill No. 53, reports the same back as correctly engrossed.

COONEY,  
Chairman.

Report was adopted and House Bill No. 52 was placed on file for third reading.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills Nos. 162, Substitute for House Bill No. 139, House Bill 154, Substitute for House Bills Nos. 143, 144, 160, 166, 64, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

Report adopted and House Bills Nos. 162, 154, 144, 160, 166, 64 and Substitutes for House Bills Nos. 139 and 143, were placed on General Orders.

Stapleton, Chairman Committee of the Whole, made the following report:

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First:

That we have had under consideration House Bill No. 151, and report the same back with the recommendation that it do pass.

Second:

That we have had under consideration House Bill No. 155, and report the same back with the recommendation that it do pass.

Third:

That we have had under consideration House Bill No. 157, and report the same back with the recommendation that it do pass.

**Fourth:**

That we have had under consideration House Bill No. 156, and report the same back with the recommendation that it do pass.

**Fifth:**

That we have had under consideration House Joint Memorial No. 4, and report the same back with the recommendation that it do not pass.

**Sixth:**

That we have had under consideration House Joint Resolution No. 5, and report the same back with the recommendation that it do pass.

**Seventh:**

That we have had under consideration House Bill No. 133, and report the same back with the recommendation that it do pass.

**Eighth:**

That we have had under consideration Senate Bill No. 7, and report the same back with the recommendation that the House do concur.

**Ninth:**

That we have had under consideration Senate Bill No. 57, and report the same back with the recommendation that the House do concur.

**Tenth:**

That we have had under consideration Senate Bill No. 61, and report the same back with the recommendation that the House do concur.

**Eleventh:**

That we have had under consideration Senate Joint Memorial No. 4, and report the same back with the recommendation that the House do concur.

**Twelfth:**

That we have had under consideration House Bill No. 72, and report the same back with the recommendation that its further consideration be indefinitely postponed.

**Thirteenth:**

That we have had under consideration Senate Bill No. 25, and report the same back with amendments, and the recommendation that as amended the House do concur.

**Fourteenth:**

That we have had under consideration House Substitute for Senate Bill No. 38, and report the same back with amendments, and the recommendation that as amended the House do concur.

**Fifteenth:**

That we have had under consideration House Bill No. 145, and report the same back with the recommendation that the enacting clause be stricken out and its further consideration indefinitely postponed.

All of which is respectfully submitted,

STAPLETON,

Chairman.

The report of the Committee of the Whole was adopted and bills referred in compliance therewith.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee on Insurance, having had under consideration House Bill No. 175, introduced by Swindlehurst, entitled "A bill for an act regulating insurance and insurance policies written and placed by companies not authorized to do business within the State," report the same back to the House with the recommendation that it be printed.

CLIFFORD,  
Chairman.

The report was adopted and House Bill No. 175 was referred to the Printing Committee.

The Select Committee, appointed in pursuance of a resolution, to investigate the Montana Stock Growing Association and the office of the Brand Recorder, made the following majority and minority report, accompanied with the full resolution:

Helena, Montana, February 21st, 1899.

Mr. Speaker:

We, your committee, appointed in pursuance of a resolution calling for an "investigation of the Montana Stock Growers' Association and the office of the Brand Recorder," respectfully beg leave to offer the following report:

We find that, in accord with law, the Secretary of the Board of Stock Commissioners is likewise Recorder of Marks and Brands, and we further find that in order to facilitate the transaction of business pertaining to the live stock interests, and particularly for the enforcement of the stock laws of the State, that the Montana Stock Growers' Association elects the Secretary of the Board to serve also as their Secretary-Treasurer, a wise and economical plan, in our estimation; and while it is the opinion of your committee that a legislative body has no authority for examining into the affairs of a civil association, yet as every facility has been afforded us by the officers of the Montana Stock Growers' Association to pursue this investigation, we have been free to examine such records and witnesses as were necessary to determine the condition of the office and the methods employed in conducting its affairs.

With Reference to the Recorder of Marks and Brands, we find that the law governing the use of brands is of necessity strict, in order to avoid infringements and conflicts between recorded brands, and because of such law, and the large number of brands already recorded, it is becoming very difficult to find available brands for record. This, however, is no fault of the Recorder or his deputy, and we desire to commend these officers for their efforts to assist stockmen in procuring suitable brands, as we are satisfied that without this accommodation on the part of this office applications for

brands would of necessity remain unsatisfied, which would work a hardship and possible loss.

In our investigation of the office of the Board of Stock Commissioners, we find that they are performing their duties and conducting their affairs in perfect accord with law and are doing all in their power to enforce the stock laws of the State and protect and encourage the live stock interests. This Board, which is appointed by the Governor, consists of one stockman from each county, and we believe the Board ably represents the stock industry, in all of its phases. This Board comprises members, some of whom are owners of large herds, while others are owners of very small herds; some are Association members, while others are not, and we are satisfied it is a representative and impartial Board, well calculated to accomplish the purpose for which it was created—to exercise supervision over the stock industry with a view to fostering and protecting it. The annual report to the Governor, made by this Board, is a synopsis of its transactions and an able and interesting document.

As stated in that report, the tax levy for the Stock Inspector and Detective Fund has proven insufficient to meet the requirements, and as the statute prohibits the Board from incurring any expense over and above its ability to pay, financial embarrassment would ensue but for the liberal action of the Montana Stock Growers' Association in annually assisting the Board with a fund, which is placed with the Board in trust, to be expended under the special direction of the Board for the maintenance of the inspection system and the prosecution of stock thieves. This fund, being merely held in trust by the Board, and in reality the property of the Association, your committee did not feel authorized to investigate it further than to ascertain the source from which it came, the amount on hand, and the purposes for which it is expended, and with this information we can only speak in terms of highest commendation of the moral and financial support accorded the Board by the Association, which admits of such an extension of the work of the Board.

In regard to the Montana Stock Growers' Association, as stated hereinbefore, your committee, finding this association a civil organization, and not a State institution, are of the opinion that no authority exists for any investigation of its affairs. However, inasmuch as no effort is made to conceal its business methods or to prevent the public from inspecting any of its records at will, we have made some inquiry into its affairs, merely to satisfy ourselves and this legislative body that it is conducted in a legitimate manner, and for the protection of the stock interests generally. We find its membership comprising some three hundred and fifty stockmen, representing all sections of the State. Of this number, about 20 per cent. are what might be termed "large owners," while the remaining 80 per cent represent owners of small herds, consequently it is actually conducted more in the interests of the smaller owners, and not to their detriment, as has been charged. The large herds are fast disappearing from the State and in their place the

country is settling up with stockmen, conducting business on a small scale, and the Association membership is being rapidly increased by the enrollment of this class of stockmen. An examination of the by-laws reveals the fact that any honest stockman may become a member, and we are satisfied almost all reliable stockmen have availed themselves of the opportunity, or are preparing to do so.

We find that almost every shipper of live stock is an Association member, and that the inspection system at the markets was inaugurated at the solicitation of the Association for the purpose of securing protection for the smaller owners, which could not in any other manner be accomplished. Your committee was unanimous in the opinion that the Association was of untold benefit to the stock interests of the State in every way, and that an absence of such organization would very speedily afford opportunity for the lawless element to drive legitimate stock raisers from the business.

Furthermore, we are satisfied that neither the Board nor the Association discriminates in any particular between members of the Association and non-members in matters of equity, and we are well satisfied that all of the Association affairs are conducted impartially and solely for the best interests of the stock industry in general.

We have ascertained that certain localities of this State have been settled largely by outlaws and cattle rustlers from the more Southern States, from which they have been driven out by the enactment of stringent laws, and while we disclaim any intention whatsoever to offer any criticism, or cast any reflection upon the resolution or its author, we are of the opinion that the resolute stand taken by the Board and Association for the enforcement of the stock laws and the prosecution of rustlers has provoked such pressure from the lawless element as to bring about the introduction of the resolution requesting the investigation which your committee has just finished.

We also find that the testimony introduced before this committee is only partially and imperfectly reported, and that the transcript of such testimony being incomplete, is unreliable either as a guide toward formulating a report or for presentation as an exhibit in connection with a report. The stenographer is unable to swear to the correctness of the report of the testimony and admits its incompleteness, consequently it is valueless, either as an exhibit of an appendix to our report.

In conclusion we desire to state that both Secretary Preuitt and Assistant Secretary Smith have rendered every assistance in their power in this investigation, and we are satisfied they are both performing their whole duty.

All of which is respectfully submitted,

E. P. WOODS,  
P. H. LUDDY,  
J. I. PHELPS,  
G. F. INGERSOLL,  
Committee.

Helena, Montana, February 23d, 1899.

**Mr. Speaker:**

We, your committee appointed in pursuance of a resolution calling for an investigation of the Montana Stockgrowers' Association and Recorder of Brands, respectfully beg leave to offer the following minority report:

As it is necessary to refer to the State Board of Stock Commissioners, and also to the Montana Stock Growers' Association in this report, one being a State institution and the other a private association, it is very necessary that one should be careful to distinguish between the two in all matters covered by this report, and the testimony which is referred to.

It was stated before the Agricultural and Stockgrowers' Committee of this House, on the floor of this House, and since this committee was appointed, that the stockgrowers of this State with small holdings had no reason to complain, and are not discriminated against by the Montana Stock Growers' Association or the State Board of Stock Commissioners. And as evidence of this fact, it has been stated several times that if this feeling or fact existed, that the State Board of Stock Commissioners would have heard of it, and no complaint has ever reached the ears of the State Board of Stock Commissioners. The evidence before your committee shows that all members of the State Board of Stock Commissioners are also members of the Executive Committee of the Montana Stockgrowers' Association, with one exception, caused by the death of one of the members of the State Board, and consequently the Stock Association are hardly to blame for this exception to the rule, and your committee believes that the error will be corrected at their next spring meeting. It is generally conceded, we believe, that the business men of this State are no fools, and we know of no reason why a number of the stockmen should be considered idiots. And this may in some way account for the State Board of Stock Commissioners never having had complaints laid before them, as it could only result in the State Board of Stock Commissioners meeting with their Secretary to solemnly investigate themselves and their Secretary. Your Committee also finds that the State Board and their Secretary, who is also Recorder of Brands, occupy the same office with the Stockgrowers' Association, with the same gentleman as their Secretary, and that the Stockgrowers' Association is a secret organization, Section 11 of the by-laws of said Association reading as follows:

"Any member who shall divulge the proceedings of, or action taken in any meeting of the Association to any person or persons, or do any act calculated to, or that may injure or defeat any proceedings or actions of this association, or officers thereof, that may be instituted for the purpose of its protection, or that of any of its members, under the laws of this state, or these by-laws, resolutions and regulations, or that may be subversive of the interests generally of the association, shall have a fair and impartial hearing at a special meeting called for that purpose, or at the annual meeting, and if found guilty by a majority of the members present, shall be expelled."

Your committee finds that the inspectors of the State Board who are

State officials, have turned into the Treasury of this secret organization \$626,000 taken from the stockgrowers of this State in the past year, whether members or not of the secret association, and that all reports emanating from these inspectors who are State officers, and paid from the State funds, become the property of this secret organization as soon as they are written.

On page 4 of the annual report of the State Board of Stock Commissioners is found the statement: "With the limited amount of revenue at its disposal, the Board cannot maintain inspectors in every locality, and it is for this reason that every encouragement is given the stockmen toward appointing inspectors 'without pay,' as this renders very material assistance to the Board in carrying out this work."

On page 10 are figures taken from the State Treasurer's books, showing that the balance in the Stock Inspector and Detective fund on January 1st, 1898, was \$13,553.63. Received during the year from the different counties, \$20,079.76. Warrants paid during the year, \$14,508.33. Balance in the fund January 1st, 1899, \$19,125, showing an increase in balance the past year of \$5,571.43. This is a direct contradiction of the statement on page 4 as quoted, that the State Board is unable to maintain inspectors at other necessary points on account of limited funds. And the evidence introduced shows that the inspectors appointed "without pay" are being encouraged by the State Board simply means that the State Board encourages stockmen and combinations of stockmen with large holdings to employ and pay men to further their own interests, and that the State Board does not pay them but leaves that with their employers, and the State Board clothes these men with power to act as State officers, and the State Board deems that they are not responsible for their action. It is well known that the evidence of these inspectors is accepted in all of our courts where the ownership of stock is disputed in the Courts, but the evidence before your committee shows that it is considered of no effect or value in determining the ownership of stock claims coming up before the State Board or Stock Association. In other words, the State Board or Stock Association can use these private inspectors when they need them for prosecuting cases in our courts, but the same men cannot be used by others for the same purpose, when claiming property in the hands of the State Board or Stock Association, the Stock Association or State Board really acting as a court of final judgment.

On page 9 of the same report it is stated that the State Board has received from North Dakota stockmen \$900 for services rendered by their inspectors at Chicago, and \$12,619.97 from the Stock Association, but there is no accounting made for the expenditure of this \$13,519.97. Evidence produced before your committee shows that there has been other money received by the State Board from other sources which no mention has been made of in their report, nor no accounting made of the same. That the State Board keeps a bank account with the Montana National Bank, balance on hand January 1st, 1899, \$5,722.09, and this does not represent what they have not expended during the year of this \$12,619.97, and other money received from



other sources as the evidence shows; that the State Board also has other balances in other banks. Your committee was told that this was a secret fund and that your committee nor the State Auditor had any business to inquire into the matter. In other words, this State has State officers handling large sums of money, which are kept in secret bank accounts, paid out in a secret manner, and our State Auditor is not allowed to audit these accounts.

On page 5 of the same report is found the following: "Proceeds of all unknown strays are sent to the Montana Stockgrowers' Association, where, by means of the record of marks and brands, the owners are located and proceeds remitted to them; in case brands are on record, no difficulty is experienced in this direction, but it is not always easy to locate owners of stock bearing unrecorded brands; however, stockmen generally are recognizing the necessity of using brands that are recorded, and all this trouble is fast being overcome."

The evidence produced before your Committee shows that actually proceeds of all strays are sent to the Montana Stockgrowers' Association, and by them disposed of as they see fit.

On page 6 of the same report it is stated that 16,058 head of strays were recovered by their inspectors, aggregating \$625,000 in value. Of this number 5,710 head, aggregating \$227,943.90 in value, was paid to owners through the Montana Stockgrowers' Association. What has become of the balance, 10,348 head, aggregating \$398,057.10 in value, which according to the report was dispersed by the State Board and by the evidence was never in their hands, but turned over to the Stock Association by order of the State Inspectors. The evidence shows that the tabulated statement at the bottom of page 6 was taken from the books of the Montana Stockgrowers' Association. This being the case, the State Association the past year has received the proceeds from 16,058 head, valued according to the State Board at \$626,000, and according to the Stock Association books they have only received \$227,943.90 for the same number of head and disbursed the same amount, according to the State Board account. Again I ask, what has become of the difference, \$398,056.10?

All through this report, the Secretary of the State Board of Stock Commissioners throws bouquets at the executive committee of the Montana Stockgrowers' Association, for its handsome treatment of the State Board, its aiding them with \$12,619.17, which is held in a secret fund and only expended as they advise. But it strikes the minority of your committee that this is entirely uncalled for, when it is taken into consideration that the State Board, through its inspectors, has turned into the Treasury of the Montana Stockgrowers' Association \$625,000, of which only \$227,943 has been disbursed or accounted for, and we believe the generosity of the Stock Association is overestimated for having contributed \$12,619.97 to the State Board under the conditions named. But we are led to presume that at the coming spring meeting of the Montana Stockgrowers' Association, their Secretary, in delivering his annual report will throw bouquets at the selfsame men who will then pose as the State Board of Stock Commissioners.

The report of the State Board of Stock Commissioners would lead one to suppose that it is a check on the Stock Association, and we believe it was so intended by the law, and a Board that any stockman could appeal to, in case he feels aggrieved at any action taken by the Stock Association, but the evidence shows conclusively that this is not the case, and the Board has actually only met once during the past year. We believe that the annual report of the State Board is only a compilation from the Stock Association's books of such matter and figures as the Association sees fit to submit to the Governor and the general public. And that is so well done that it is a delusion and a snare, and in direct violation of Section 2957 of the Political Code, which reads as follows:

"2957. The Board must make an annual report in writing to the Governor on the 31st day of December, and must state therein all the transactions of the Board for the previous year."

In the evidence the Secretary of the State Board says that they no longer inspect cattle at the point of shipment, and acknowledges that there is no way of checking the actions of the inspectors in Chicago, and that any action that they take in regard to ownership of stock is considered final. This means that the State of Montana has two officers in Chicago, who last year had passed through their hands \$626,000 belonging to the resident taxpayers of this State, which they take without the owners' permission, and nearly always when the owner is not present, and these inspectors virtually decide ownership and account to no one for their actions, which is considered final. In the opinion of your committee, if some halt is not called, it will not be long before the home builders of our State will be barred from the Chicago market or forced to move out of our State. The wonder to me is that more are not driven to becoming cattle thieves, as from what I know I can see no way by which they can prevent the loss of stock and home.

Your committee is convinced that there are some big niggers in the fence, and the chairman had hold of a leg several times, but he was not strong enough to drag the cuss out into daylight with the other four members sitting on his body.

The evidence shows that the Recorder of Brands collects a fee of \$2 for each brand recorded and each transfer made, and claims this right under Section 2955 of the Political Code. We deem that this section confers no such powers and that the collection of the \$2 fee is in direct violation of section 2954. The evidence also shows that the State Board and the Association work together in all matters and occupy the same office, and seem to have their records mixed together. The Secretary of the State Board stated that the Board acted on all matters, but there was but one meeting of the Board in the year 1898, consequently the Secretary is virtually the Board. The Secretary of the Board also guesses that the ownership of the strays is left for the Association to decide, and not the State Board. Your committee does not believe that the inspectors, the State Board, the Association, nor any Secretary have authority to decide the rights of property, and

the laws of no state authorize such proceedings as witness speaks of, as instituted by inspectors.

Your committee also finds that there are brands on record in the Recorder of Brand's office that are in direct violation of the laws, and that no attempt has ever been made to suppress such brands.

The minority of your committee regret that it has not more time to investigate these matters and others that are not touched upon, and also that the stenographer was unable to make a complete report of what was done in the committee, as the chairman alone cared to investigate and was such a small minority that he was unable to keep the other members from all talking at once, and the last day's proceedings were conducted without the witnesses being sworn, owing to the action of the majority of the committee.

The correspondence submitted with this report is done simply to show the vacillating methods adopted by the Stock Association where ownership of an animal is in dispute.

The minority of your committee also wishes to express his regrets that he was unable to disabuse the minds of the other members and Secretary Preuit that this investigation was not brought about through any personal feeling against Mr. Preuit, or to push the claim of any one who happened to have money taken by the inspectors and handed over to the Association, and which they were unable to recover.

They would not believe that this investigation was meant to be on broader lines, and to expose abuses that so existed, and by so doing benefit all honest stockmen in the State of Montana. It is the belief of your committee that immediate steps should be taken to prevent further violation of our laws and the unjust treatment that is being accorded to the stockmen of the state who are small holders.

It is the belief of this committee that a copy of this report and accompanying testimony should be filed in the office of the Governor, Attorney General, State Treasurer, State Auditor and State Examiner, and that the Governor should be requested to remove from office the present State Board of Stock Commissioners, and in appointing a new board, to endeavor to fill the vacancies so that not more than one-third of the board shall consist of officers or members of any Association of a secret nature, one third from the stockmen owning less than four hundred head of cattle, and the balance from the business men of the State of good standing and reputation, and that the Attorney General should be requested to take immediate steps to force the Stock Association to turn into the State Treasury all funds in their hands received from State officers, both inspectors and others, and to account to the State for all money received in the same way for the past three years. And we recommend that a bill be introduced in this legislative body, requiring that all rules and regulations formulated by the State Board should be passed upon by the Attorney General, and published for the benefit of the stock-

growers of the State. We also urge that the Recorder of Brands should at once be made to deliver to the State Auditor a full and complete statement of all fees collected by him during the year 1898.

J. L. TRUSCOTT,

Chairman.

It being apparent to us, as a committee appointed under the Truscott resolution to investigate the records of the Board of Stock Commissioners and Recorder of Marks and Brands, that said resolution was prompted by malice for the purpose of operating against the live stock industry and in the interests of the rustling element, and that the evidence introduced before this committee was only partially and imperfectly reported by the stenographer, and is therefore unreliable as a guide for formulating a report or for presentation as an exhibit in connection with a report, I therefore move that the entire report of the stenographer be stricken out and a report made to the House in accordance with the evidence that was introduced, and that no report of the testimony or any exhibits of any sort be attached to any report that may be made to the House, because of the incompleteness of the stenographic report of the proceedings of the committee.

WOODS.

On motion of Day, seconded by Toole, the report and resolution was laid on the table by the following vote:

Ayes 29, noes 21.

And on motion of Day, seconded by Woods, the committee was discharged.

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#### COMMUNICATIONS FROM THE SENATE.

The following communications were received from the Senate:

Helena, Montana, February 24th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 38 has been concurred in by the Senate and is herewith respectfully transmitted.

Very respectfully,

D. P. O'CONNOR,

Secretary.

House Bill No. 38 was referred to the Enrollment Committee.

Substitute for House Bill No. 161 was read a first and second time and referred to Committee on Printing.

The following communication was received from the Senate.

Helena, Montana, February 23d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 28 has been indefinitely postponed.

That the President has signed Senate Bill No. 32 and House Bills Nos. 124 and 43.

That the Governor has signed and approved Substitute for Senate Bill No. 13, Senate Bills Nos. 15, 21, 23, 24, 31, 42, 44, 46, Senate Joint Resolutions Nos. 3 and 1, and Senate Joint Memorial No. 2.

That Senate Bills Nos. 78, 94, 84, 89, 77, 95 and 85 have been passed and transmitted to Chief Clerk for concurrence.

That the Senate has concurred in House Bill No. 70 and same has been transmitted to Chief Clerk,

And that House Bill No. 63 has been amended and transmitted to Chief Clerk for your concurrence for amendment.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

And Senate Bills Nos. 78, 94, 84, 89, 77, 95, 85, and Senate Joint Memorial No. 6 were placed on file for first and second reading.

House Bill No. 70 was referred to Enrollment Committee and House Bill No. 63 was placed on file for concurrence in Senate amendments thereto.

Senate Bill No. 78 was read a first and second time and referred to Committee on Agriculture and Stockgrowing.

Senate Bill No. 94 was read a first and second time and referred to Judiciary Committee.

Senate Bill No. 84 was read a first and second time and referred to the Committee on Towns and Counties.

Senate Bill No. 89 was read a first and second time and referred to the Committee on Towns and Counties.

Senate Bill No. 77 was read a first and second time and referred to the Committee on Incorporations and Manufactures.

Senate Bill No. 95 was read a first and second time and referred to the Committee on State Boards and Officers.

Senate Bill No. 85 was read a first and second time and referred to the Committee on Insurance.

Senate Joint Memorial No. 6 was read a first and second time and referred to Committee on Federal Relations.

On motion of Bennett, House took a recess until 2:30 p. m.

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2:30 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Senate amendment to House Bill No. 63 was concurred in by the following vote:

Ayes 66, noes none, absent 4. —

Ayes—Beasley, Bennett, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—66.

Absent—Black, Bonner, Moran, O'Brien.

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### THIRD READING OF BILLS.

House Bill No. 120 was read a third time and passed by the following vote:

Ayes 61, noes 5, absent 4.

Title agreed to.

Ayes—Beasley, Bennett, Boylan, Burke, Bywater, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, More, Murray, Normoyle, Parker, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—61.

Noes—Conrow, Gibson, Lindsay, Metlen, Paul—5.

Absent—Black, Bonner, Moran, O'Brien—4.

House Bill No. 121 was read a third time and passed by the following vote:

Ayes 53, noes 12, absent 5.

Title agreed to.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kuphal, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—53.

Noes—Cooney, Eversole, Gibson, Gillette, Kelly of Silver Bow, Lamb, Lewis, Marcyes, Martin, Paul, Stapleton, Sullivan—12.

Absent—Bonner, Johnson, Lindsay, Moran, O'Brien—5.

House Bill No. 52 was read a third time and passed by the following vote:

Ayes 62, noes 1, absent 7.

Title agreed to.

Ayes—Beasley, Black, Boylan, Burke, Bywater, Clifford, Conrow, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—62.

Noes—Bennett—1.

Absent—Bonner, Cooney, Madden, Matts, Moran, O'Brien, Sullivan—7.

House Joint Memorial No. 2 was read a third time and passed by the following vote:

Ayes 62, noes none, absent 8.

Title agreed to.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Crutchfield, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—62.

Absent—Bonner, Cooney, Day, Finlen, Madden, Moran, Normoyle, O'Brien—8.

Senate Substitute for House Bill No. 20 was read a third time and concurred in by the following vote:

Ayes 64, noes 2, absent 4.

Title agreed to.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—64.

Absent—Bonner, Moran, O'Brien, Stone—4.

Senate Bill No. 36 as amended was read a third time and passed by the following vote:

Ayes 65, noes none, absent 5.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—65.

Absent—Bonner, Lewis, Madden, Moran, O'Brien—5.

Senate Bill No. 62 was read a third time and concurred in by the following vote:

Ayes 64, noes none, absent 6.

Title agreed to.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Wilson, Woods, Mr. Speaker—64.

Absent—Bonner, Gillette, Moran, O'Brien, Warren, Watson—6.

Senate Bill No. 63 was read a third time and concurred in by the following vote:

Ayes 62, noes none, absent 8.

Title agreed to.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Watson, Wilson, Woods, Mr. Speaker—62.

Absent—Bonner, Bywater, Fine, Gillette, Moran, O'Brien, Parker, Warren—8.

Senate Bill No. 72 was read a third time and concurred in by the following vote:

Ayes 40, noes 22, absent 8.

Title agreed to.



Ayes—Beasley, Bennett, Black, Conrow, Crutchfield, Day, Eversole, Fine, Flinn, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Lindsay, Losekamp, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Swindlehurst, Toole, Truscott, Walsh, Woods—40.

Noes—Boylan, Burke, Clifford, Finlen, Fitzpatrick, Gallwey, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Luddy, Madden, Murray, Normoyle, Stapleton, Stone, Sullivan, Sweeney, Warren, Watson, Wilson, Mr. Speaker—22.

Absent—Bonner, Bywater, Cooney, Hill, Lockhart, Long, Moran, O'Brien—8.

Senate Joint Memorial No. 3 was read a third time and concurred in by the following vote:

Ayes 63, noes none, absent 7.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Toole, Truscott, Warren, Woods, Mr. Speaker—63.

Absent—Bonner, Hedges, Moran, O'Brien, Sullivan, Walsh, Watson, Wilson—7.

#### REPORTS OF STANDING COMMITTEES.

The Engrossment Committee made the following report:

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bill No. 54, report the same back as correctly engrossed.

COONEY,  
Chairman.

The report was received and House Bill No. 54 was placed on file for third reading.

The Printing Committee made the following report:

Helena, Montana, February 24th, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills Nos. 163, 164, 165, 167, Substitute for House Bill 174, House Bill 183, House Joint Memorial No. 3 and House Joint Memorial no. 3A, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was received and House Bills Nos. 163, 164, 165, 167, Substitute for House Bill No. 174, House Bill No. 183 and House Joint Memorials 3 and 3A were placed on General Orders.

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#### COMMITTEE OF THE WHOLE.

The House resolved itself into Committee of the Whole for the consideration of General Orders.

Gibson in the chair.

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House resumed.

Mr. Speaker in the Chair.

Gibson, chairman of the Committee of the Whole, asked for further time to make report, which was granted.

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#### COMMUNICATION FROM THE SENATE.

The following communication was received from the Senate:

Helena, Montana, February 24th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bill No. 88 has been passed and transmitted to Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Report received and Senate Bill No. 88 placed on file for first and second reading.

On motion of Clifford, House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## FIFTY-FIFTH DAY.

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 25th, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The following report by the Journal Committee was received:

Helena, Montana, February 25th, 1899.

Mr. Speaker:

Your Committee, appointed to examine the Journal, beg leave to report that we have examined the Journal of the Proceedings of the fifty-fourth day and find the same correct, and recommend that the Journal be approved as recorded.

DAY,  
Chairman.

The report was adopted and reading of Journal dispensed with.

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### PETITIONS.

Ingersoll presented several petitions, protesting against the division of Custer County, which were received and referred to Committee on Towns and Counties.

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### REPORTS OF STANDING COMMITTEES.

Helena, Montana, February 25th, 1899.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred House Bill No. 148, entitled "An act entitled an act to amend Section 1 of an act entitled an act to establish a tax direct and collateral on inheritances, bequests and devises; to provide for its collection and direct the disposition of its proceeds," respectfully report the same back with the recommendation that the same be printed.

CRUTCHFIELD,  
Chairman.

The report was adopted and House Bill No. 148 was referred to Printing Committee.

Helena, Montana, February 25th, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of bills, resolutions and memorials now on General Orders in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

Senate Bill No. 53.  
Senate Bill No. 66.  
Senate Bill No. 86.  
Senate Bill No. 91.  
Senate Substitute House Bill No. 34.  
House Joint Memorial No. 6.  
House Joint Memorial No. 3.  
House Joint Memorial No. 3A.  
House Bill No. 162.  
House Bill No. 166.  
House Bill No. 163.  
House Bill No. 164.  
House Bill No. 165.  
House Bill No. 167.  
House Bill No. 125.  
House Bill No. 129.  
House Bill No. 135.  
House Bill No. 183.  
House Bill No. 139.  
House Bill No. 66.  
House Bill No. 46.  
House Bill No. 118.  
House Bill No. 49.  
House Bill No. 108.  
House Bill No. 57.  
Substitute House Bill No. 36.  
House Bill No. 146.  
House Bill No. 73.  
House Bill No. 17.  
House Bill No. 44.  
House Bill No. 126.  
House Bill No. 53.  
House Bill No. 115.  
House Bill No. 111.

Signed, E. D. MATTS,  
Chairman House Steering Committee.  
Approved, C. W. HOFFMAN,  
Chairman Senate Steering Committee.

Helena, Montana, February 24th, 1899.

**Mr. Speaker:**

Your Committee on Agriculture and Stockgrowing, to whom was referred House Bill No. 181, after having duly considered the same, report said bill back to the House with the recommendation that it do pass.

WOODS,  
Chairman.

Report adopted and House Bill No. 181 referred to Printing Committee.

Helena, Montana, February 25th, 1899.

**Mr. Speaker:**

Your Committee on Affairs of Cities, to whom was referred House Bill No. 184, a bill for an act to amend Section 1 of House Bill No. 204, an act relating to public improvements in cities and towns, and repealing certain sections of the Political Codes, respectfully report the same back with the recommendation that it do pass.

SWEENEY,  
Chairman.

Report adopted and House Bill No. 184 referred to Printing Committee.

Helena, Montana, February 25th, 1899.

**Mr. Speaker:**

Your Committee on Printing, to whom was referred House Bills 153, 158 and 169, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

Report adopted and House Bills Nos. 153, 158 and 169 were placed on General Orders.

Helena, Montana, February 25th, 1899.

**Mr. Speaker:**

Your Committee on Enrollment report House Bill No. 70 and House Bill No. 38 as correctly enrolled.

MADDEN,  
Chairman.

Gibson, Chairman of the Committee of the Whole, made the following report:

Helena, Montana, February 25th, 1899.

**Mr. Speaker:**

Your Committee of the Whole, having had under consideration General Orders, have instructed me to report as follows:

**First:**

That we have had under consideration Substitute for House Bill No. 69, and report the same back with amendments, and with the recommendation that as amended it do pass.

Second:

That we have had under consideration House Bill No. 2, and report the same back with amendments, and the recommendation that as amended it do pass.

Third:

That we have had under consideration Substitute for House Bill No. 5, and report the same back with amendments, and the recommendation that as amended it do pass.

Fourth:

That we have had under consideration House Bill No. 137, and report the same back with the recommendation that it do pass.

Fifth:

That we have had under consideration House Bill No. 114, and report the same back with the recommendation that its further consideration be indefinitely postponed.

Sixth:

That we have had under consideration Senate Bill No. 30, and report the same back with the recommendation that the House do concur.

All of which is respectfully submitted,

GIBSON,  
Chairman.

The report was adopted and House Bills Nos. 2 and 137, Substitutes for House Bills Nos. 5 and 69, were referred to Engrossment Committee, and Senate Bill No. 30 was placed on file for third reading, and House Bill No. 114 was indefinitely postponed.

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#### INTRODUCTION OF BILLS.

The following bills were introduced:

By Magee:

House Bill No. 185—without previous notice. A bill for an act entitled an act to amend Sections 2951, 2953, 2954 and 2955 of the Political Code of Montana, relating to the Board of Stock Commissioners, and providing compensation for the Secretary of said Board.

By Hedges:

House Bill No. 186, by unanimous consent, without previous notice. A bill for an act appropriating money to the State Veterinary Surgeon, to be expended in making practical experiments in the inoculation of certain diseases upon coyotes and wolves, in the State of Montana.

By the Committee on Ways and Means:

House Bill No. 187—A bill for an act to amend Section 4604 of the Political Code of the State of Montana, relating to salaries and fees of officers.

Read first and second time and referred to Committee on State Boards and Officers.

House Bills Nos. 185, 186 and 187 were read a first and second time and referred as follows:

House Bill No. 185, referred to Judiciary Committee.

House Bill No. 186 referred to Judiciary Committee.

House Bill No. 187, referred to Committee on State Boards and Officers.

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#### COMMUNICATIONS FROM SENATE.

The following communication was received from the Senate:

Helena, Montana, February 24th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Substitute for Senate Bill No. 34 has been passed and transmitted to Chief Clerk for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, February 24th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced by unanimous consent of the Senate:

By Riddell:

Senate Bill No. 103—A bill for an act appropriating money for the placing of onyx wainscoting in the State Capitol building.

That Senate Bill No. 96 has been indefinitely postponed.

That House Bills Nos. 113, 25, 13 and 99 and House Joint Memorial No. 5 have been concurred in and transmitted to Chief Clerk.

And that House Bills Nos. 29, 45 and 78 and Substitute for House Bill No. 33 have been amended and with amendments attached have been transmitted to Chief Clerk for your concurrence to amendments.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

And Substitute for Senate Bill No. 34 was placed on file for first and second reading.

And House Bills Nos. 113, 25, 13, 99 and House Joint Memorial No. 5 were referred to the Enrollment Committee.

House Bills Nos. 29, 45, 75 and Substitute for House Bill No. 33 were placed on file for concurrence in Senate amendments thereto.

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#### THIRD READING OF HOUSE BILLS.

The House proceeded to the third reading of House Bills.

On motion of Sweeney, seconded by ten members, a call of the House was ordered.

The roll was called, the absentees appearing on the floor of the House.

On motion of Kelly of Silver Bow, further proceedings under the call were dispensed with.

House Bill No. 54 was read a third time and lost by the following vote:

Ayes 30, noes 35, absent 5.

Ayes—Beasley, Black, Bywater, Conrow, Day, Fine, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Long, Magee, Marcyes, Martin, Metlen, More, Parker, Paul, Sands, Stephens, Swindlehurst, Toole, Woods, Mr. Speaker—30.

Noes—Bennett, Boylan, Burke, Clifford, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Lindsay, Lockhart, Losekamp, Luddy, Madden, Matts, McLaughlin, McLeod, Murray, Normoyle, Phelps, Potting, Shovlin, Stapleton, Stone, Sullivan, Sweeney, Walsh, Warren, Watson, Wilson—35.

Absent—Bonner, Eversole, Moran, O'Brien, Truscott.

Lindsay, having voted with the prevailing side, gave notice that on Monday he would move a reconsideration of the vote whereby House Bill No. 54 was lost.

Senate amendments to Substitute for House Bill No. 33 were concurred in by the following vote:

Ayes 60, noes none, absent 10.

Ayes—Beasley, Bennett, Black, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Watson, Woods, Mr. Speaker—60.

Absent—Bonner, Burke, Eversole, Finlen, Hedges, Moran, O'Brien, Truscott, Warren, Wilson—10.

Substitute for House Bill No. 33 was referred to Enrollment Committee.

Senate amendments to House Bill No. 29 were concurred in by the following vote:

Ayes 59, noes none, absent 11.

Ayes—Beasley, Bennett, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Staple-



ton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Watson, Wilson, Woods, Mr. Speaker—59.

Absent—Black, Bonner, Eversole, Flinn, Hedges, Moran, Normoyle, O'Brien, Stone, Truscott, Walsh, Warren—11.

Senate amendments to House Bill No. 78 were concurred in by the House by the following vote:

Ayes 58, noes none, absent 12.

Ayes—Beasley, Bennett, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—58.

Absent—Black, Bonner, Burke, Eversole, Flinn, Hedges, Moran, Normoyle, O'Brien, Stapleton, Stone, Truscott—12.

And House Bill No. 78 was referred to Enrollment Committee.

Senate amendments to House Bill No. 45 were concurred in by the following vote:

Ayes 57, noes none, absent 13.

Ayes—Beasley, Bennett, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Warren, Watson, Wilson, Woods, Mr. Speaker—57.

Absent—Black, Bonner, Burke, Eversole, Flinn, Hedges, Moran, Normoyle, O'Brien, Stapleton, Stone, Truscott, Walsh—13.

And House Bill No. 45 was referred to the Enrollment Committee.

Senate Bill No. 71 was read a third time and concurred in by the following vote:

Ayes 56, noes none, absent 14.

Ayes—Beasley, Bennett, Black, Boylan, Bywater, Clifford Conroy, Cooney, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Walsh, Watson, Wilson, Woods, Mr. Speaker—56.

Absent—Bonner, Burke, Crutchfield, Eversole, Flinn, Lamb, Madden, Moran, Normoyle, O'Brien, Stapleton, Stone, Truscott, Warren—14.

Senate Bill No. 61 was read a third time and concurred in by the following vote:

Ayes 62, noes none, absent 8.

Ayes—Beasley, Bennett, Black, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Watson, Wilson, Woods, Mr. Speaker—62.

Absent—Bonner, Burke, Eversole, Madden, Moran, O'Brien, Stone, Warren—8.

Senate Bill No. 57 was read a third time and concurred in by the following vote:

Ayes 62, noes none, absent 8.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Watson, Wilson, Woods, Mr. Speaker—62.

Absent—Bonner, Eversole, Hedges, Madden, Moran, O'Brien, Stone, Warren—8.

Senate Bill No. 30 was read a third time and concurred in by the following vote:

Ayes 43, noes 22, absent 5.

Ayes—Beasley, Bennett, Boylan, Burke, Bywater, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Losekamp, Luddy, Matts, Murray, Parker, Phelps, Potting, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Watson, Wilson—43.

Noes—Black, Clifford, Conrow, Cooney, Garr, Hedges, Johnson, Long, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, More, Normoyle, Paul, Sands, Sullivan, Warren, Woods, Mr. Speaker—22.

Absent—Bonner, Eversole, Madden, Moran, O'Brien—5.

Stone gave notice that on Monday he would move for a reconsideration of the vote whereby Senate Bill No. 30 was concurred in.

On motion of Garr, the House took a recess until 2 p. m.

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2 p. m. House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Senate Bill No. 25 was read a third time as amended by the House and concurred in as amended by the following vote:

Ayes 56, noes 3, absent 11.

Ayes—Beasley, Bennett, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Murray, Normoyle, Paul, Phelps, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Warren, Wilson, Woods, Mr. Speaker—56.

Noes—Eversole, More, Shovlin—3.

Absent—Black, Bonner, Crutchfield, Kuphal, Losekamp, Moran, O'Brien, Parker, Potting, Truscott, Walsh, Watson—11.

Senate Joint Memorial was read a third time and concurred in by the following vote:

Ayes 49, noes 1, absent 10.

Ayes—Beasley, Bennett, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallwey, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Parker, Paul, Phelps, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Wilson, Woods, Mr. Speaker—49.

Noes—Garr—1.

Absent—Black, Bonner, Crutchfield, Fine, Kuphal, Moran, O'Brien, Potting, Warren, Watson—10.

Senate amendments to House Substitute to Senate Bill No. 38 were concurred in by the following vote:

Ayes 35, noes 17, absent 8.

Ayes—Beasley, Bennett, Boylan, Burke, Bywater, Conrow, Cooney, Eversole, Finlen, Flinn, Garr, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Lamb, Lindsay, Long, Losekamp, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Normoyle, Parker, Paul, Sands, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Woods, Mr. Speaker—35.

Noes—Clifford, Day, Fine, Fitzpatrick, Gallwey, Gibson, Hill, Kelley of Cascade, Lewis, Lockhart, Luddy, Madden, Murray, Phelps, Sullivan, Toole, Wilson—17.

Absent—Black, Bonner, Crutchfield, Kuphal, Moran, O'Brien, Potting, Watson—8.

Mr. Speaker notified the House that he was about to sign House Bills Nos. 38 and 7, and signed the same in the presence of the House.

The Engrossing Committee made the following report:

Helena, Montana, February 25, 1899.

**Mr. Speaker:**

Your Committee on Engrossment, to whom was referred House Bills 133, 155, 156, 157, 52, 151 and House Resolution No. 5, report the same back as correctly engrossed.

COONEY,  
Chairman.

And House Bills Nos. 133, 155, 156, 157, 52, 151 and House Resolution No. 5 were placed on file for third reading.

The Committee on Enrollment made the following report:

Helena, Montana, February 25, 1899.

**Mr. Speaker:**

Your Committee on Enrollment report House Bill No. 63 as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker notified the House that he was about to sign House Bill No. 63, and signed the same in the presence of the House.

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COMMITTEE OF THE WHOLE.

The House resolved itself into Committee of the Whole.

Truscott in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Truscott, Chairman of the Committee of the Whole, asked for further time to make report.

The Engrossment Committee made the following report:

Helena, Montana, February 25, 1899.

**Mr. Speaker:**

Your Committee on Engrossment, to whom was referred House Bills No. 2, 69, 137, Substitute for House Bill No. 5, report the same back as properly engrossed.

COONEY,  
Chairman.

And House Bills Nos. 2, 69, 137 and Substitute No. 5 were placed on file for third reading.

On motion of Toole, House adjourned until 2 p. m., Monday, February 27th, 1899.

C. R. CRAIG,  
Chief Clerk.

**FIFTY-SEVENTH DAY.**

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HOUSE OF REPRESENTATIVES,  
Helena, Montana, February 27th, 1899.

House met pursuant to adjournment at 2 p. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Committee appointed to approve the Journal made the following report:

Helena, Montana, February 27th, 1899.

Mr. Speaker:

Your Committee appointed to examine the Journal beg leave to report that we have examined the Journal of the Proceedings of the fifty-fifth day and find the same correct, and recommend that the Journal be approved as recorded.

DAY,  
Chairman.

And on motion of Day, duly seconded, the reading of the Journal was dispensed with.

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**PETITIONS.**

Petitions were presented by Gibson and O'Brien protesting against the division of Madison County, and referred to the Committee on Townships and Counties.

A petition was presented by Watson protesting against the passage of House Bill No. 116, in reference to licenses, and ordered placed on file.

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**NOTICES.**

The following notices of intention to introduce bills were given:  
By Fine:

A bill for an act entitled an act to change the manner of apportioning school money to isolated districts.

By Moran:

A bill for an act entitled an act relating to citizens living upon an Indian or military reservation.

## REPORTS OF STANDING COMMITTEES.

The Printing Committee made the following report:

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 175, 177, 178, 179, 123, and Substitute for House Bill 161, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and House Bills Nos. 175, 177, 178, 179, 123 and Substitute for House Bill 162, were placed upon the General Orders.

The Committee on Agriculture and Stockgrowing made the following report:

Helena, Montana, February 27th, 1899.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was referred Senate Bill No. 78, after having had the same under consideration, report said bill back with the recommendation that it do pass.

WOODS,  
Chairman.

The report was adopted and Senate Bill No. 78 was placed on the calendar for third reading.

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REPORT OF THE COMMITTEE OF THE WHOLE.

Helena, Montana, February 27th, 1899.

Mr. Speaker:

Your Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First:

That we have had under consideration House Bill No. 183, and report the same back with the recommendation that it do pass.

Second:

That we have had under consideration House Bill No. 135, and report the same back with the recommendation that it do pass.

Third:

That we have had under consideration House Bill No. 167, and report the same back with the recommendation that it do pass.

Fourth:

That we have had under consideration House Bill No. 165, and report the same back with the recommendation that it do pass.

Fifth:

That we have had under consideration House Bill No. 164, and report the same back with the recommendation that it do pass.

**Sixth:**

That we have had under consideration House Bill No. 163, and report the same back with the recommendation that it do pass.

**Seventh:**

That we have had under consideration House Bill No. 162, and report the same back with the recommendation that it do pass.

**Eighth:**

That we have had under consideration House Joint Memorial No. 3A, and report the same back with the recommendation that it do pass.

**Ninth:**

That we have had under consideration House Joint Memorial No. 3, and report the same back with the recommendation that it do pass.

**Tenth:**

That we have had under consideration House Joint Memorial No. 6, and report the same back with the recommendation that it do pass.

**Eleventh:**

That we have had under consideration House Bill No. 166, and report the same back with amendments, and the recommendation that as amended it do pass.

**Twelfth:**

That we have had under consideration House Bill No. 125, and report the same back with amendments, and the recommendation that as amended it do pass.

**Thirteenth:**

That we have had under consideration House Bill No. 129, and report the same back with amendments, and the recommendation that as amended it do pass.

**Fourteenth:**

That we have had under consideration Senate Bill No. 66, and report the same back with the recommendation that the House do concur.

**Fifteenth:**

That we have had under consideration Senate Bill No. 91, and report the same back with the recommendation that the House do concur.

**Sixteenth:**

That we have had under consideration Senate Bill No. 53, and report the same back with the recommendation that the enacting clause be stricken out, and its further consideration indefinitely postponed.

**Seventeenth:**

That we have had under consideration Senate Bill No. 86, and report the same back with the title amended, and the recommendation that as amended the House do concur.

**Eighteenth:**

That we have had under consideration Senate Substitute for House

Bill No. 34, and report the same back with amendments, and the recommendation that as amended the House do concur.

All of which is respectfully submitted.

TRUSCOTT,  
Chairman.

The report was amended as to House Bills 166 and 129, and as so amended was adopted, and House Bills 183, 135, 167, 165, 164, 163, 162, 166, 125, 129, and House Joint Memorial No. 3, House Joint Memorial No. 3A, were referred to the Committee on Engrossment, and Senate Bills Nos. 66 and 91 were placed on file for third reading, and Senate Bill No. 53 was indefinitely postponed.

Senate Bill 86 and Senate Substitute for House Bill No. 34 were placed on file for third reading.

The Enrollment Committee made the following report:

Helena, Montana, February 27th, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bills Nos. 13, 25, 29, 33, 78, 99, 113, House Joint Memorial No. 5 as correctly enrolled.

MADDEN,  
Chairman.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills 38, 63 and 70 to the Governor for his signature at 10:40 a. m.

MADDEN,  
Chairman.

Mr. Speaker announced that he was about to sign House Bills 13, 25, 29, Substitute for House Bill 33, House Bills 78, 99, 113 and House Joint Memorial No. 5, and signed the same in the presence of the House.

The Printing Committee made the following report:

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bill 171, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

The report was adopted and House Bill 117 was placed on the General Orders.

Lindsay moved the reconsideration of the vote whereby House Bill No. 54 was lost, having voted with the prevailing side.

Lamb raised the point of order that motion to reconsider had to be made on the day on which the bill was passed.

The Chair ruled the point of order not well taken and that notice to reconsider was in order.

Lamb appealed from the decision of Mr. Speaker, and the Chair was sustained by the following vote:

Ayes 59, noes 9, absent 2.



Ayes—Beasley, Bennett, Black, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Woods—59.

Noes—Bonner, Clifford, Flinn, Kelley of Cascade, Kelly of Silver Bow, Lamb, Moran, Normoyle, Sweeney, Wilson—9.

Absent—Boylan, Mr. Speaker—2.

The motion to reconsider was put and lost by the following vote:

Ayes 28, noes 36.

Truscott moved that the report of the Select Committee in reference to the Stock Growers' Association and Recorder of Marks and Brands be taken from the table, and on a rising vote the motion was lost.

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#### FIRST READING OF SENATE BILLS.

Senate Bill No. 34 read first and second time and referred to Judiciary Committee.

Senate Bill No. 88 read first and second time and referred to Judiciary Committee.

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#### THIRD READING OF HOUSE BILLS.

House Resolution No. 5 read third time and passed.

Ayes 60, noes none, absent 10.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Watson, Wilson, Woods, Mr. Speaker—60.

Absent—Clifford, Flinn, Gibson, Madden, Matts, Paul, Phelps, Shovlin, Truscott, Walsh, Warren—10.

Substitute for House Bill No. 5 was read a third time and passed by the following vote:

Ayes 65, noes 2, absent 3.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jac-

queth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Woods, Mr. Speaker—65.

Noes—Clifford, Wilson—2.

Absent—Lindsay, Madden, Shovlin—3.

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#### MESSAGES FROM THE GOVERNOR.

The following communications were received from his Excellency, the Governor:

February 24th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed the following bills:

House Bill No. 43, being an act entitled "An act to provide an assistant for the Register of the State Land Office, to fix the salary thereof, and designate the fund from which he shall be paid," and

Sub. No. 1 for House Bill No. 36, being an act entitled "An act to permit foreign surety companies to do business in this State, and regulating the method thereof."

Very respectfully,

ROB'T B. SMITH,  
Governor.

February 27th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

The Supreme Court this morning decided that the two constitutional amendments, voted upon last fall, had not been legally passed by the Legislature. I suggest that you take immediate action to re-submit the same amendments.

I also desire to again call your attention to the School of Mines bonds. The bill as passed two years ago inadvertently repealed the interest on the warrants. These warrants are held by citizens of Butte and are drawing no interest. I suggest you reduce the interest on these bonds to 4 per cent. and authorize the State Treasurer to invest a part of the permanent school fund in such bonds. The income from the grant will pay 4 per cent on the bonds and we can then take up the warrants.

Respectfully,

ROB'T B. SMITH,  
Governor.

That portion relating to the constitutional amendments was referred to the Committee on Privileges and Elections, and that portion relating to the

School of Mines bonds was referred to the Committee on State Institutions, Public Buildings and Grounds.

The House then proceeded with the third reading of House Bills and House Bill No. 151 was read a third time and passed, title agreed to, by the following vote:

Ayes 63, noes none, absent 7.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—63.

Absent—Bywater, Finlen, Hill, More, Normoyle, Walsh—7.

House Bill No. 155 was read a third time and passed by the following vote, title agreed to:

Ayes 45, noes 14, absent 11.

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Gibson, Gillette, Hedges, Hill, Ingersoll, Johnson, Kelley of Cascade, Kuphal, Lamb, Lewis, Lockhart, Long, Madden, Martin, McLaughlin, Metlen, Moran, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sweeney, Swindlehurst, Toole, Truscott, Watson, Mr. Speaker—45.

Noes—Black, Garr, Hutchinson, Lindsay, Losekamp, Marcyes, Matts, McLeod, More, Murray, Normoyle, Stone, Sullivan, Woods—14.

Absent—Bywater, Finlen, Jacqueth, Kelly of Silver Bow, Luddy, Magee, O'Brien, Stapleton, Walsh, Warren, Wilson—11.

House Bill No. 156 was read a third time and passed, title agreed to, by the following vote:

Ayes 41, noes 26, absent 3.

Ayes—Beasley, Black, Bonner, Boylan, Burke, Clifford, Conrow, Cooney, Crutchfield, Finlen, Fitzpatrick, Flinn, Gallwey, Hedges, Ingersoll, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Madden, Matts, McLaughlin, Murray, Normoyle, O'Brien, Paul, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Warren, Watson, Wilson, Mr. Speaker—41.

Noes—Bennett, Bywater, Day, Eversole, Fine, Garr, Gibson, Gillette, Hill, Hutchinson, Jacqueth, Johnson, Kuphal, Magee, Martin, McLeod, Metlen, Moran, More, Parker, Potting, Sands, Shovlin, Truscott, Woods—26.

Absent—Luddy, Marcyes, Walsh—3.

House Bill No. 137 was read a third time and passed by the following vote, title agreed to:

Ayes 67, noes none, absent 3.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—67.

Absent—Bywater, Magee, Watson—3.

House Bill No. 2 was read a third time and passed, title agreed to, by the following vote:

Ayes 66, noes none, absent 4.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—4.

Absent—Boylan, Bywater, Magee, Watson—4.

House Bill No. 133 was read a third time and passed, title agreed to, by the following vote:

Ayes 63, noes none, absent 7.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst Toole, Truscott, Walsh, Warren, Woods, Mr. Speaker—63.

Absent—Boylan, Clifford, Lindsay, Murray, Normoyle, Watson, Wilson—7.

Substitute for House Bill No. 69 was read a third time and passed by the following vote:

Ayes 68, noes none, absent 2

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker,

Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—68.

Absent—Flinn, Madden—2.

House Bill No. 157 was read a third time and passed by the following vote:

Ayes 57, noes none, absent 13.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Conrow, Cooney, Crutchfield, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Long, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Woods, Mr. Speaker—57.

Absent—Burke, Clifford, Day, Flinn, Hutchinson, Kelly of Silver Bow, Lamb, Losekamp, Madden, Normoyle, Stapleton, Sullivan, Wilson—13.

### THIRD READING OF SENATE BILLS.

Senate Substitute to House Bill No. 34 was read a third time and concurred in, title agreed to.

Ayes 35, noes 6, absent 19.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Eversole, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Jacqueth, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, Murray, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Swindlehurst, Toole, Truscott, Walsh, Warren, Mr. Speaker—35.

Noes—Johnson, Long, Metlen, More, Parker, Woods—6.

Absent—Burke, Day, Fine, Finlen, Flinn, Hutchinson, Ingersoll, Kelly of Silver Bow, Lamb, Losekamp, Luddy, Madden, Normoyle, O'Brien, Stapleton, Sullivan, Sweeney, Watson, Wilson—19.

Senate Bill No. 86 was read a third time and concurred in, title agreed to.

Ayes 56, noes none, absent 14.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Long, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Woods, Mr. Speaker—56.

Absent—Burke, Eversole, Flinn, Hutchinson, Ingersoll, Kelly of Silver Bow, Lamb, Losekamp, Luddy, Madden, O'Brien, Sweeney, Wilson—14.

Senate Bill No. 91 was read a third time and concurred in, title agreed to.

Ayes 46, noes 7, absent 17.

Ayes—Beasley, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gallwey, Gibson, Hedges, Hill, Jacqueth, Kelley of Cascade, Kuphal, Lewis, Lindsay, Lockhart, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, More, Murray, Normoyle, Paul, Phelps, Sands, Stephens, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Watson, Wilson, Mr. Speaker—46.

Noes—Bennett, Black, Garr, Johnson, Moran, Potting, Woods—7.

Absent—Burke, Flinn, Gillette, Hutchinson, Ingersoll, Kelly of Silver Bow, Lamb, Long, Losekamp, Luddy, Madden, O'Brien, Parker, Shovlin, Stapleton, Sweeney, Warren—17.

Senate Bill No. 66 was read a third time and concurred in, title agreed to.

Ayes 55, noes 3, absent 12.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Fine, Finlen, Fitzpatrick, Gallwey, Garr, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Paul, Phelps, Potting, Sands, Stephens, Stone, Swindlehurst, Toole, Truscott, Walsh, Watson, Wilson, Woods, Mr. Speaker—55.

Noes—Gibson, Lewis, Sullivan—3.

Absent—Boylan, Eversole, Flinn, Gillette, Kelly of Silver Bow, Lamb, Losekamp, Parker, Shovlin, Stapleton, Sweeney, Warren—12.

Madden, chairman of the Committee on Enrollment, made the following report:

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills Nos. 13, 25, 29, 33, 78, 99, 113 and House Joint Memorial No. 5 to the Governor for his signature at 3:30 p.m.

MADDEN,  
Chairman.

The Committee on Engrossment made the following report:

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bills 183, 164, 162, 165, 167, 163 and House Joint Memorials 6, 3 and 3A, report the same back as correctly engrossed.

COONEY,  
Chairman.

House Bills 183, 164, 162, 165, 167, 163 and House Joint Memorials Nos. 6, 3 and 3A, were placed on file for third reading.

On motion of Toole, the House adjourned until 10:30 a. m. to-morrow.

C. R. CRAIG,  
Chief Clerk.

## FIFTY-EIGHTH DAY.

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### HOUSE OF REPRESENTATIVES.

Helena, Montana, February 28th, 1899.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The Committee on Approval of the Journal made the following report:

Helena, Montana, February 28th, 1899.

Mr. Speaker:

Your Committee appointed to examine the Journal beg leave to report that we have examined the Journal of the Proceedings of the fifty-seventh day and find the same correct, and recommend that the Journal be approved as recorded.

DAY,  
Chairman.

On motion of Day, duly seconded, the report was adopted and the rules were suspended and the reading of the Journal dispensed with.

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### NOTICES.

Notices of the introduction of bills were given as follows:

Helena, Montana, February 28th, 1899.

Mr. Speaker:

I hereby give notice that on to-morrow or some subsequent day I will introduce a bill for an act entitled an act relating to steam engines on roads and highways.

MORAN.

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### REPORTS OF STANDING COMMITTEES.

The following reports were received and read:

Helena, Montana, February 28th, 1899.

Mr. Speaker:

We, your Committee on Federal Relations, having considered Senate

Joint Memorial No. 6, report the same back with the recommendation that the House concur therein;

Also, that we have considered Senate Joint Memorial No. 5 and recommend that the House concur therein.

STAPLETON,

Chairman.

Senate Joint Memorial No. 6 and Senate Joint Memorial No. 5 were placed on the General Orders.

Helena, Montana, February 28th, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of bills, resolutions and memorials now on General Orders in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

Senate Bill No. 45.  
Senate Bill No. 75.  
Senate Bill No. 78.  
House Bill No. 139.  
House Bill No. 66.  
House Bill No. 46.  
House Bill No. 118.  
House Bill No. 49.  
House Bill No. 108.  
Substitute 2 House Bill No. 36.  
House Bill No. 146.  
House Bill No. 73.  
House Bill No. 17.  
House Bill No. 44.  
House Bill No. 160.  
Substitute House Bill No. 174.  
House Bill No. 116.  
House Bill No. 152.  
House Bill No. 161.  
Substitute House Bill No. 143.  
House Bill No. 144.  
House Bill No. 175.  
House Bill No. 178.  
House Bill No. 177.  
House Bill No. 179.  
House Bill No. 126.  
House Bill No. 53.  
House Bill No. 115.

Signed, E. D. MATTS,  
Chairman House Steering Committee.

Approved, C. W. HOFFMAN,  
Chairman Senate Steering Committee.

The report was adopted.



The following report from the Enrolling Committee was received and read:

Helena, Montana, February 28th, 1899.

To the Honorable, the House of Representatives of the Sixth Legislative Assembly of the State of Montana:

The Committee on Enrollment of the House of Representatives beg to present the following report as to House Bill No. 132.

After its passage and signing by the Speaker of the House and President of the Senate, and at 2:50 o'clock p. m. of Wednesday, the 22d day of February, A. D. 1899, I, as Chairman of this Committee, in accordance with the observed custom as to all bills heretofore passed at this session, took House Bill No. 132, as enrolled and signed, and formally presented the same to his Excellency, Governor Robert B. Smith, at the Court House, in Helena, Montana, wherein is the executive office of the Governor of Montana, for his approval, asking of him his receipt therefor, but was then and there informed by the Governor that he declined to receive the same, on the ground that the presentation was made upon a legal holiday, and that he did refuse to receive the same. I was unable to deliver it to him or to procure his receipt therefor on said 22d day of February, A. D. 1899, though on the following day, February 23d, 1899, the Governor received and receipted for this bill under date of February 23d, 1899; and of all these facts the Committee on Enrollment makes report to the House that the matter may become of record in its proceedings.

JOHN M. MADDEN,  
Chairman.

State of Montana, County of Lewis and Clarke, ss:

Philip G. Sullivan, being first duly sworn, makes oath and says:

I am over the age of twenty-one years and am a citizen of the United States of America and of the State of Montana. I have read the foregoing report and statement of the Enrolling Committee (by its chairman) of the House of Representatives of the Sixth Legislative Assembly of the State of Montana and know the contents thereof; I was present at the time of the happening of the matters recited in the foregoing report and statement, and know that they all transpired as therein stated.

PHILIP G. SULLIVAN.

Subscribed and sworn to before me this 28th day of February, A. D. 1899.

(Seal)

HARRY YAEGER,

Notary Public Lewis and Clarke County, Montana.

Toole moved, duly seconded, that the report of the committee be spread at length upon the Journal of the House.

The motion carried and it was so ordered.

The following report was received and read:

Helena, Montana, February 28th, 1899.

Mr. Speaker:

Your Committee upon Incorporations and Manufactures, to whom was referred House Bill 170 and Senate Bill 77, respectfully report the same back

with the recommendation that House Bill 170 be indefinitely postponed and Senate Bill 77 be concurred in.

TOOLE,  
Chairman.

On motion of Crutchfield the report was adopted and House Bill No. 170 was indefinitely postponed and Senate Bill No. 77 was placed on General Orders.

Helena, Montana, February 28th, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bill No. 45 as correctly enrolled.

MADDEN,  
Chairman.

The report was received and ordered filed.

Helena, Montana, February 27th, 1899.

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill No. 176, respectfully report the same back with the recommendation that it be indefinitely postponed.

PAUL,  
Chairman.

On motion of Woods, seconded by Lewis, the report of the Committee was adopted and House Bill 176 was indefinitely postponed.

Helena, Montana, February 28th, 1899.

Mr. Speaker:

Your Committee on Townships and Counties, to whom was referred Senate Bills Nos. 84 and 89, respectfully report the same back with the recommendation that they be placed on General Orders.

WATSON,  
Chairman.

Report was received and Senate Bills Nos. 84 and 89 were placed on General Orders.

Mr. Speaker:

Your Committee on Agriculture and Stockgrowing, to whom was referred House Bill No. 186, after having duly considered the same, beg leave to report said bill back to the House with the recommendation that it do pass.

WOODS,  
Chairman.

And House Bill 186 was referred to Printing Committee.

Mr. Speaker:

Your Committee on State Boards and Officers, to whom was referred House Bill No. 172, respectfully beg leave to report having had the same under consideration, and recommend that it do pass.

Also, that we have had Senate Bill No. 95 under consideration, and recommend that it do pass.

Also, that we have had House Bill No. 187 under consideration and recommend that it be indefinitely postponed.

C. F. KELLEY,  
Chairman.

House Bill No. 172 was referred to Printing Committee and Senate Bill No. 95 was placed on General Orders, and House Bill No. 187, on motion of Magee, was referred to the Printing Committee.

The Committee on Insurance made the following majority and minority reports:

Mr. Speaker:

We, your Committee on Insurance, to whom was referred Senate Bill No. 79, introduced by Stanton, having had the same under consideration, beg leave to report it back to the House with the recommendation that it be indefinitely postponed.

CLIFFORD,  
Chairman.

Mr. Speaker:

We, the undersigned, minority members of the Committee on Insurance, beg leave to report that we have had Senate Bill No. 79, introduced by Stanton, being a bill requiring fire insurance companies, in the event of total loss, to pay the amount specified in the policy, and to prevent the removal of actions brought in the State courts to the Federal courts, and to prevent combinations for the purpose of controlling insurance rates, under consideration, and herewith submit our minority report, and request that said bill be place on General Orders for consideration by the House.

H. M. HILL.  
J. A. CLIFFORD.

The majority report was adopted and Senate Bill No. 79 was indefinitely postponed.

Mr. Speaker:

We, your Committee on Insurance, having had under consideration Senate Bill No. 85, introduced by Norris, beg leave to report it back to the House with the recommendation that it be concurred in.

CLIFFORD,  
Chairman.

And Senate Bill No. 85 was placed on General Orders.

Mr. Speaker:

We, your Committee on Judiciary, having had under consideration Senate Bill No. 97, introduced by Hannah, entitled "A bill for an act to amend Section 3935 of the Civil Code of the State of Montana, extending the time of liens for services," and

House Bill No. 185, introduced by Magee, entitled A bill for an act en-

titled an act to amend Sections 2951, 2953 and 2955 of the Political Code of Montana, relating to the Board of Stock Commissioners, and providing compensation for the Secretary of said board, beg leave to recommend that the consideration of same be indefinitely postponed.

Also, having had under consideration Senate Bill No. 88, introduced by Tierney, entitled "A bill for an act to amend an act entitled 'An act to prohibit gambling within the State of Montana, and to provide penalties for a violation of the provisions thereof, and to provide for the enforcement thereof, and to repeal all laws in conflict with this act,'" passed by the Fifth Legislative Assembly of the State of Montana, and approved by the Governor on the 4th day of March, 1897, beg leave to recommend that said bill be concurred in.

CRUTCHFIELD,  
Chairman.

Senate Bill No. 97 was indefinitely postponed.

House Bill No. 185, on motion, was referred to Printing Committee.

Senate Bill No. 88 was placed on General Orders.

Hedges gave notice that on to-morrow he would move the following:

Mr. Speaker:

I move the adoption of the following rule of this House for the remaining days of this Legislative Assembly, beginning to-day:

"No adjournment shall be to a later hour than 10 o'clock a. m.

"There shall be a session each afternoon from 2 to 5:30 o'clock, and from 7:30 to 9:30 o'clock each evening."

HEDGES.

The Engrossment Committee made the following report:

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bills Nos. 166, 135, 129 and 125, report the same back as correctly engrossed.

COONEY,  
Chairman.

House Bills Nos. 166, 135, 129 and 125 were placed on file for third reading.

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#### COMMUNICATIONS.

The following communications were received from the Senate:

Helena, Montana, February 28th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following Joint Memorial was introduced:

By Cullen:

Senate Joint Memorial No. 7.

The following Joint Resolution was introduced:

By Hobson:

Senate Joint Resolution No. 4.

The Governor has signed Senate Bills Numbers 41, 50 and 52.

The President has signed House Bills Nos. 38, 63, 70, 13, 113, 99, 78, 29, 25, Substitute for House Bill No. 33, and House Joint Memorial No. 5.

The President has signed Senate Bills Nos. 36, 72, 63, 62, Senate Substitute for House Bill No. 20, and Senate Joint Memorial No. 3.

The following bills have been indefinitely postponed in the Senate: House Bills Nos. 51, 95, 90, Senate Bills Nos. 17, 103 and 99.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, February 27th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House amendments to Senate Bills Nos. 36 and 25 have been concurred in by the Senate.

House Bills Nos. 79, 80, 81, 82, 84, 87, 85, 88, 89, 92, 93, 94, 96, 98, 100, 101, 102, 103, 91, 104, 97 and 52 have been concurred in by the Senate and are herewith transmitted.

House Bills Nos. 83, 48, 106 and 86 have been amended by the Senate and are herewith transmitted for your concurrence in Senate amendments.

Substitutes for Senate Bills Nos. 87 and 98 and Senate Joint Resolution No. 4 have passed the Senate and are herewith transmitted for your concurrence.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bills 79, 80, 81, 82, 84, 87, 85, 88, 89, 92, 93, 94, 96, 98, 100, 101, 102, 103, 91, 104, 97 and 52 were referred to Enrollment Committee, and House Bills 83, 48, 106 and 86 as amended by the Senate were placed on file for concurrence of House in Senate amendments.

Substitutes for Senate Bills 87 and 98 and Senate Joint Resolution No. 4 were placed on file for first and second reading.

The Committee on Education made the following report:

Helena, Montana, February 28th, 1899.

Mr. Speaker:

Your Committee on Education, to whom was referred House Bill 191, introduced by Fine, a bill for an act to amend Section 1757 of the Political Code, relating to the apportionment of money to school districts, respectfully report the same back with the recommendation that it do pass.

STONE,  
Chairman.

And House Bill 191 was referred to Printing Committee.

The Enrollment Committee made the following report:

Helena, Montana, February 28th, 1899.

**Mr. Speaker:**

Your Committee on Enrollment report that they have this day presented House Bill No. 45 to the Governor for his signature at 11:30 a. m.

MADDEN,

Chairman.

On motion of Day, the rules were suspended and bills on file were read a third time by title only.

House Joint Memorial No. 3A was read a third time and passed, title agreed to.

Ayes 66, noes none, absent 4.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—66.

Absent—Fine, Losekamp, Normoyle, Paul—4.

House Joint Memorial No. 3 was read a third time and passed by the following vote, title agreed to:

Ayes 67, noes none, absent 3.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—67.

Absent—Fine, Kelley of Cascade, Losekamp—3.

House Joint Memorial No. 6 was read a third time and passed, title agreed to.

Ayes 66, noes none, absent 4.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Par-

ker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Woods, Mr. Speaker—66.

Absent—Fine, Losekamp, Warren, Wilson—4.

House Bill No. 163 was read a third time and passed, title agreed to.

Ayes 66, noes none, absent 4.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Woods, Mr. Speaker—66.

Absent—Fine, Losekamp, Warren, Wilson—4.

House Bill No. 183 was read a third time and passed, title agreed to.

Ayes 50, noes 18, absent 2.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Hill, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, Murray, Normoyle, O'Brien, Parker, Phelps, Potting, Stapleton, Stephens, Stone, Sullivan, Sweeney, Toole, Walsh, Warren, Watson, Wilson—50.

Noes—Cooney, Crutchfield, Day, Garr, Gibson, Gillette, Hedges, Hutchinson, Johnson, Lindsay, Metlen, More, Paul, Sands, Swindlehurst, Truscott, Woods, Mr. Speaker—18.

Absent—Losekamp, Shovlin—2.

House Bill No. 167 was read a third time and passed, title agreed to.

Ayes 64, noes none, absent 6.

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—64.

Absent—Black, Hill, Kelly of Silver Bow, Losekamp, Madden, Shovlin—6.

Senate amendments to House Bill 86 were concurred in by the following vote:

Ayes 62, noes 1, absent 7.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lewis, Lockhart, Long, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Warren, Watson, Wilson, Woods, Mr. Speaker—62.

Noes—Lindsay—1.

Absent—Kelly of Silver Bow, Lamb, Losekamp, Madden, Shovlin, Truscott, Walsh—7.

Senate amendments to House Bill 106 were concurred in by the following vote:

Ayes 49, noes 15, absent 6.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Gillette, Hedges, Hill, Ingersoll, Jacqueth, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Luddy, Magee, Martin, McLaughlin, McLeod, Metlen, Murray, O'Brien, Paul, Phelps, Shovlin, Stapleton, Stephens, Sullivan, Toole, Walsh, Wilson, Mr. Speaker—49.

Noes—Garr, Hutchinson, Johnson, Kelley of Cascade, Matts, Moran, More, Potting, Sands, Stone, Sweeney, Swindlehurst, Truscott, Watson, Woods—15.

Absent—Gibson, Losekamp, Madden, Marcyes, Normoyle, Parker, Warren—7.

On motion of Swindlehurst the House took a recess until 2 p. m.

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2 p. m. House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Madden, Chairman of the Enrollment Committee, made the following request, which was granted by the House:

Your Committee on Enrollment request permission of the House to hire six clerks.

MADDEN,  
Chairman.

Senate amendment to House Bill No. 48 was concurred in by the following vote:

Ayes 63, noes none, absent 7.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jac-



queth, Johnson, Kelly Cascade, Kelly Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—63.

Absent—Garr, Lockhart, Madden, Metlen, O'Brien, Shovlin, Sweeney—7.

Senate amendment to House Bill No. 83 was concurred in by the following vote:

Ayes 63, noes none, absent 7.

Ayes—Beasley, Bennett, Black, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Finlen, Fitzpatrick, Flinn, Gallway, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—63.

Absent—Bonner, Burke, Fine, Lockhart, Madden, Metlen, Stephens, Sweeney—7.

House Bill No. 135 was read a third time and passed, title agreed to.

Ayes 64, noes none, absent 6.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallway, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Woods, Mr. Speaker—64.

Absent—Garr, Lockhart, Madden, Metlen, Sweeney, Wilson—6.

House Bill No. 162 was read a third time and passed, title agreed to.

Ayes 63, noes none, absent 7.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallway, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, O'Brien, Parker, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Woods, Mr. Speaker—63.

Absent—Garr, Lockhart, Madden, Metlen, Paul, Sweeney, Wilson—7.

House Bill No. 164 was read a third time and lost by the following vote:

Ayes 25, noes 37, absent 8.

Ayes—Beasley, Black, Bonner, Boylan, Burke, Bywater, Clifford, Con-

row, Finlen, Fitzpatrick, Hedges, Ingersoll, Jacqueth, Kelly of Silver Bow, Long, Magee, Marcyes, More, O'Brien, Sands, Stapleton, Stone, Toole—25.

Noes—Bennett, Cooney, Crutchfield, Day, Eversole, Fine, Flinn, Gallwey, Garr, Gibson, Gillette, Hill, Hutchinson, Johnson, Kelley of Cascade, Kuphal, Lewis, Lindsay, Losekamp, Martin, Matts, McLaughlin, McLeod, Moran, Parker, Paul, Phelps, Potting, Shovlin, Sullivan, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—37.

Absent—Lamb, Lockhart, Luddy, Madden, Metlen, Normoyle, Stephens, Sweeney—8.

The honorable the chairman of the Enrollment Committee of the Senate was announced and Mr. Speaker announced that he was about to sign Senate Bills Nos. 61, 63, 25, 57, 71, 36, 72, 62, Senate Substitute to House Bill 20, Senate Joint Memorial No. 3 and Senate Joint Memorial No. 4, and signed the same in the presence of the House.

Day moved to reconsider the vote whereby House Bills Nos. 162, 163, 165 and 167 were passed and House Bill 164 was lost, and have said bills read at length in compliance with rules.

House Bill 162 was read a third time at length and on the reconsideration of the vote passed, title agreed to.

Ayes 61, noes none, absent 9.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—61.

Absent—Bonner, Gibson, Kelley of Cascade, Lockhart, Madden, More, Shovlin, Stone, Walsh—9.

House Bill No. 164 was read a third time at length and on the reconsideration vote passed, title agreed to.

Ayes 60, noes none, absent 10.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Conrow, Cooney, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Lamb, Lewis, Lindsay, Long, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—60.

Absent—Bonner, Clifford, Crutchfield, Kelley of Cascade, Kelly of Silver Bow, Lockhart, Losekamp, Madden, Shovlin, Stone—10.

House Bill No. 165 was read a third time at length and on the reconsideration of the vote passed, title agreed to.

Ayes 58, noes none, absent 12.

Ayes—Beasley, Bennett, Black, Boylan, Burke, Bywater, Conrow, Cooney, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kuphal, Lamb, Lewis, Lindsay, Long, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—58.

Absent—Bonner, Clifford, Crutchfield, Kelley of Cascade, Kelly of Silver Bow, Lockhart, Losekamp, Madden, More, Shovlin, Stone, Watson—12.

House Bill 125 was read a third time and passed, title agreed to.

Ayes 46, noes 16, absent 8.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gibson, Gillette, Hedges, Hill, Ingersoll, Jacqueth, Kelley of Cascade, Kuphal, Lamb, Lindsay, Long, Luddy, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Parker, Paul, Phelps, Potting, Sands, Stephens, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Wilson, Woods—46.

Noes—Boylan, Clifford, Finlen, Gallwey, Garr, Lewis, Madden, Magee, Moran, Murray, Normoyle, O'Brien, Stapleton, Warren, Watson, Mr. Speaker—16.

Absent—Hutchinson, Johnson, Kelly of Silver Bow, Lockhart, Losekamp, More, Shovlin, Stone—8.

House Bill No. 166 was read a third time and passed, title agreed to.

Ayes 56, noes none, absent 14.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Mr. Speaker—56.

Absent—Clifford, Conrow, Finlen, Flinn, Gallwey, Ingersoll, Lindsay, Lockhart, Losekamp, Murray, Stapleton, Stone, Sullivan, Woods—14.

On motion of Burke, House Bills Nos. 163 and 167 were ordered recalled from the Senate in compliance with Day's motion to reconsider the vote whereby House Bills 163 and 167 were passed, and to have them read at length on their third reading, in compliance with the rules of the House.

On motion of Hedges, seconded by 10 members, a call of the House was ordered.

The roll was called and Clifford, Lamb, Lockhart, Truscott and Woods were absent.

The Sergeant at Arms was instructed to bring the absentees before the bar of the House.

The absentees appearing on the floor of the House, with the exception of Lockhart, on motion of Hedges further proceedings under the call were dispensed with.

House Bill No. 135 was read a third time and lost.

Ayes 31, noes 38, absent 1.

Ayes—Beasley, Bennett, Boylan, Bywater, Gallwey, Hedges, Ingersoll, Jacqueth, Johnson, Lamb, Lewis, Long, Losekamp, Luddy, Magee, Marcyes, Moran, More, Murray, Paul, Phelps, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Walsh, Mr. Speaker—31.

Noes—Black, Bonner, Burke, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Kelley of Cascade, Lamb, Madden, Martin, Matts, McLaughlin, McLeod, Metlen, Normoyle, O'Brien, Parker, Potting, Shovlin, Swindlehurst, Toole, Truscott, Warren, Watson, Wilson, Woods—38.

Absent—Lockhart—1.

The honorable the chairman of the Enrollment Committee of the Senate was announced, and Mr. Speaker notified the House that he was about to sign Senate Joint Memorial No. 4, and signed the same in the presence of the House.

The following communications were received from his excellency the Governor:

February 27th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day signed and approved House Joint Memorial No. 5, asking the Congress of the United States in its tariff regulations to exempt from duty the commercial product of cyanide of potassium, cyanide, potash and all chemical properties of cyanide of potassium, and I have also signed and approved the following bills:

House Bill No. 33, amending certain section of the political code, relating to the payment of bounty on wild animals.

House Bill No. 70, authorizing and regulating the incorporation of corporations sole.

House Bill No. 99, appropriating money to pay certain persons for services rendered as county attorneys in the year 1898.

House Bill No. 113, amending the law creating the State Arid Land Grant Commission and defining its duties, and authorizing it to purchase certain lands by the issuance of bonds.

Very respectfully,

ROBT B. SMITH,  
Governor.

February 28th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day signed and approved

House Bill No. 78, being an act entitled "An act to extend and define the boundaries of Lewis and Clarke county and to alter the boundaries of Deer Lodge county to conform thereto.

Respectfully,

ROBT B. SMITH,  
Governor.

February 28th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I sincerely wish it were possible for me to agree with you in the passage of House Bill No. 132. I dislike exceedingly to place my judgment and opinion in opposition to what seems to be such a unanimous judgment of this body. But in the discharge of official duty there ought to be but one guide, and that should be the constitution and the law as revealed to us by calm and unbiased study.

In my humble judgment no measure was ever presented to a legislature more fraught with evil to a people or more obnoxious to a constitution than this bill. The very reasons which actuated the introduction of this bill are dangerous to our institutions and our liberties. These reasons are as follows:

First. The Boston and Montana Copper and Silver Mining Company, a corporation of this State, in May last undertook to sell all its property to a New York corporation and compel its stockholders to accept stock in a foreign corporation in lieu of stock held in the domestic or home corporation. Suit was brought by Forrester and MacGinniss, stockholders, to prevent such conduct, and the Supreme Court of this State, on November 28th, by a unanimous opinion, sustained the plaintiffs and ordered a reconveyance of all property to the Montana Company. The lawyers and parties defeated in that case are here trying by this bill to reverse the decision of our Supreme Court, and I am told, because I happened to be one of the attorneys for Forrester and MacGinniss, that I cannot afford to veto this bill. But when I am sustained by the unanimous opinion of our Supreme Court, and by the Constitution of our State, I can and will veto any measure that is as vicious as this bill.

The second reason for the strong following and lobby behind this bill is as follows: The Rothchilds and magnates of the Standard Oil Company, according to all reports, are now engaged in trying to form a copper trust and combine by which they expect to control the copper output of the world, and they desire to include our great copper properties in the pool. This accounts for the strong following this bill has with the corporate interests of the State. These reasons alone, without further remark, ought to be sufficient to defeat this measure before a free and independent representative body of this State.

In addition to the foregoing there are still more vital reasons for its defeat. This bill makes it possible and easy for corporations in this State to combine with any other corporation, foreign or domestic, and thus form a trust or pool. Section 20, of Article XV, of our State Constitution, reads as follows:

"No incorporation, stock company, person or association of persons in the State of Montana, shall directly or indirectly, combine or form what is known as a trust, or make any contract with any person or persons, corporations or stock company, foreign or domestic, through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price, or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The legislative assembly shall pass laws for the enforcement thereof by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchise, or in case of foreign corporations prohibiting them from carrying on business in the State."

This bill is in direct violation of the foregoing provision of our constitution. It is not necessary that the bill should declare in its title or the body thereof that it is intended to regulate the production or the price of copper, or other article of commerce, in order to violate the provision quoted. If the bill can be used or utilized for forming a combine or trust to regulate the production of any article of commerce or production of the soil, it is obnoxious to our constitution. Can any man read this measure and say it cannot be used to form copper or mining trusts or combines, and thereby regulate the price or production of an article of commerce? The present great rise in the price of copper is largely due to the contemplated trust which is reported in the press of the country. Silver, lead, iron, copper and every other production of our mines, except gold, are "articles of commerce for consumption by the people," and any law tending to create trusts for controlling their production or fixing the price of their products is in violation of the constitution. Instead of passing this law to foster these trusts and combines, it is your duty under the oath you have taken and under the direction of the provisions of the constitution, to pass a law forbidding and prohibiting any such effort by any corporation or company.

I wish to call your attention to the difference between your body and the Colorado Assembly now in session. The smelting and mining corporations, acting under the same impulse felt in this state, contemplated a similar move in Colorado, but Governor Thomas sent to the legislature a message asking it to pass a law prohibiting such trusts and pools, and in a very short time after his message was read, one house of that body had passed a bill in accordance with his suggestions, and he wires me that their legislature is trying to prevent a smelter trust in that state, while you, on the contrary, are trying to organize a copper trust with the Standard Oil magnates in control.

This bill further violates our constitution in this: Section 2, of Article III, provides that "no ex post facto law, nor law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises or immunities, shall be passed by the legislative assembly." The relation of the corporation to the state is contractual. The charter of a domestic corporation is a contract between the state and the corporation. (See Section 3031 of Thompson on Corporations.) Likewise the relation of each stockholder

to the corporation is contractual. (See Cook on Stockholders, Section 11; and Peninsular Railway Co. vs. Duncan, 28 Michigan, page 130.) The state in its constitution reserves the right to amend or alter the charter of a corporation. It may change the contract between the state and the corporation, but it cannot so change it as to impair or violate the contract which each stockholder has with the same corporation. If such change is contemplated, then such act violates the contract which each shareholder has with the corporation, and such a law is void.

Again, this proposed law violates other provisions both of our state and national constitutions. Article V, of amendments to the Constitution of the United States, says: "Nor shall private property be taken for public use without just compensation," and Section 14, of Article III, of our State Constitutions, says, "private property shall not be taken or damaged for public use without compensation having been first made to, or paid into court for, the owner." You will notice that in these provisions the taking of private property for a public use is allowed under certain conditions, and the converse of this proposition is true, viz., that private property cannot be taken for a private use under any condition. Indeed, so careful were the framers of our constitution, that, in order to run a ditch or canal over the land of another, such a use is declared to be a public use. (See Section 15, Article III, of our constitution.)

This bill provides that if any stockholder dissents from the action of the majority in combining with any other corporation or trading for the stock of another corporation, a commission is appointed to appraise the value of his stock, which is his individual property, and sell it out at public auction or to the grantee of the corporation, thus taking private property and confiscating it for private purposes.

The title of this bill is deceptive. It is contended that the bill is to enable the majority stockholders to control the property and to sell or lease it, and to protect the minority stockholders. The majority stockholders, under our present law, can sell, lease, mortgage or dispose of all mining property. (See Section 1013 of the Civil Code of Montana.) Under the present law, after notice duly given, if three-fourths of all shares are represented at the meeting and two-thirds of all shares vote in favor of a sale, such sale is valid and effectual, and in the same way all the property or any part can be leased, sold, or mortgaged, and the minority cannot prevent it. The only thing a minority can prevent according to the decision of our Supreme Court, is this: a dissenting stockholder can prevent a domestic corporation from trading its stock off and accepting in payment therefor stock in a foreign corporation. That was what the Boston and Montana Company attempted to do and that is what this bill will allow all corporations to do.

This is an effort to get out from under the jurisdiction of our state courts so that corporations can carry every case into the United States courts, with the result that if a miner or employe has a claim against them he cannot sue in the state court. In our state court two-thirds of a jury can agree and find a verdict, but in the United States court a unanimous verdict is re-

quired. It is much easier for corporations to defeat a case where they have only to secure one juror to prevent a verdict against them. Again, a poor man cannot afford to litigate in the U. S. courts. It requires more money and much longer time to secure final judgment. If you pass this bill you will put it in the power of rich corporations to defeat any claims against them without any great expense. You will remove all their records from the state to the great injury of litigants and of the taxing power of the state.

It is claimed by some that this bill will tend to develop our country. I say that its tendency will be to prevent development except by a few gigantic concerns. Under the present law the poor miner or prospector organizes a company and puts a portion of his stock in the treasury and peddles it out to friends in small lots, and thus gets money to develop his mine. But if this bill becomes a law, no man will care to buy stock, unless he can have over one-third, because, if he has less, the others may compel him to sell out his stock or swap it for stock in some foreign corporation, and thus freeze him out if he objects.

There is another serious objection to this bill. Section 1 provides that a notice giving in general terms what is proposed to be done shall be published for thirty days, and a copy mailed to each stockholder calling a meeting of stockholders. But when the stockholders meet they can propose any kind of disposition of the property; they are not confined to the published notice. Suppose, for instance, the notice sent out and published shall propose a lease of the property; but when they meet, if, instead of leasing, they propose to sell or trade off the capital stock for stock in another corporation—they can do so under this act. The stockholder receiving a notice that it is proposed to lease the property might be willing to lease and pay no further attention and not attend the meeting. Those who did attend could disregard the notice and propose a sale, for the bill says that after electing a chairman and secretary, thereupon any proposition for the sale, or lease, or mortgage, or exchange, or disposition for other property, or for the whole or a part of the capital stock of any other corporation, domestic or foreign, or to otherwise dispose of the whole or any part of the mining ground, mills, smelters, or assets of any description.....may be considered and acted upon at said meeting. You will observe they are not confined to the proposition made in their notice sent out to each stockholder. Any act thus done at such meeting, no word or intimation of which was put in the published notice, may be carried through as effectually as if full notice had been given. An absent stockholder is not afterwards notified of what was done at such meeting, although it may have been against his wish; yet he must come within twenty days and dissent in writing from what was done, or he is deemed to have assented. But the advocates of this bill say the secretary has to file a statement of what was done at the meeting with the county clerk and recorder. Yes, that is true, but when does he have to file it? So far as this act is concerned, he may not have to file his certificate with the county clerk and recorder for a year, but the poor deluded stockholder must make his objection within twenty



days or forever hold his peace. Let me again appeal to you to consider what you are doing.

The haste with which this measure has been railroaded through both houses ought to be a warning that "something is rotten in Denmark." It has been rushed through under whip and spur and every corporate lobbyist is at its back. Even our national holiday, set apart for the observance by our people of the anniversary of the birth of the immortal Washington, was desecrated by the passage of this bill. That day which recalls the patriotism and devotion of Washington to the cause of his country was not a fitting day on which to pass a bill destined to serve the selfish interests of corporations and put a yoke upon our people more galling than Egyptian bondage.

I had hoped the people of Montana might be spared, at least for many years, the power of the Standard Oil magnates. They control already the lamplights of America and, by controlling the production of copper, they propose to control the electric lights of the world, as well as the electric power and the thousand other uses to which copper is applied. If they could, they would obscure the God of day and deny us daylight.

If you do not assert your manhood and independence now and defeat this measure, it will be too late when the tentacles of this octopus have fastened their fangs on the strong limbs of this fair young commonwealth. Seeing as I do the dangers in this bill, and knowing full well how vicious and unconstitutional it is, and knowing that many of you are deceived by the fair phrases in its caption, I write you thus at length to warn you of the dangers where you stand.

Instead of being entitled an act to regulate, mortgage, sell, lease or convey corporate property and protect the minority stockholders, it should be entitled "An act to reverse the supreme court, and to encourage and facilitate the formation of trusts and combines, and to legalize the confiscation of private property for private uses in the State of Montana."

For the reasons set forth in this message, I must refuse to give this bill my approval.

Very respectfully,

ROB'T B. SMITH,  
Governor.

The communications received were placed on file and ordered spread at length on the Journal of the House.

Mr. Speaker then announced that the question before the House was, shall the bill pass notwithstanding the Governor's veto?

On motion of Matts, seconded by ten members, a call of the House was ordered.

The roll was called and Fine was absent.

On motion of Cooney, further proceedings under the call were dispensed with.

The roll was called and House Bill 132 passed by the following vote:  
Ayes 52, noes 18, absent none.

Ayes—Black, Bonner, Boylan, Burke, Bywater, Clifford, Cooney, Crutchfield, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Madden, Magee, Marcyes, Martin, Matts, Metlen, Moran, Murray, Normoyle, O'Brien, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—52.

Noes—Beasley, Bennett, Conrow, Day, Eversole, Gibson, Hill, Hutchinson, Losekamp, Luddy, McLaughlin, McLeod, More, Parker, Paul, Phelps, Shovlin, Walsh—18.

House Bill No. 129 was read a third time and lost by the following vote:

Ayes 26, noes 43, absent 1.

Ayes—Beasley, Bywater, Clifford, Gallwey, Garr, Gillette, Hedges, Ingersoll, Jacqueth, Johnson, Kuphal, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Marcyes, Moran, Murray, Paul, Sands, Stapleton, Stephens, Stone, Mr. Speaker—26.

Noes—Bennett, Black, Bonner, Boylan, Burke, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gibson, Hill, Hutchinson, Kelley of Cascade, Kelly of Silver Bow, Lamb, Lockhart, Madden, Martin, Matts, McLaughlin, McLeod, Metlen, More, Normoyle, O'Brien, Parker, Phelps, Potting, Shovlin, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Walsh, Warren, Watson, Wilson, Woods—43.

Absent—Fine—1.

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#### MESSAGES FROM THE GOVERNOR.

The following communication was received from his excellency the Governor:

February 28th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

House Bill No. 124 is the hand maiden of House Bill 132. Both are being engineered by the same parties and both are intended for the same purpose, and that is to give the wealthy and strong undue advantage over the weaker.

If this bill only gave a right of appeal from a final judgment, or from an order granting or refusing to grant a new trial, or granting or dissolving an injunction, or refusing to grant or dissolve an injunction, or granting or dissolving or refusing to dissolve an attachment, or from an order appointing or refusing to appoint a receiver, I would sign it willingly. But what follows after that is the objectionable part, viz., "or giving directions with respect to a receivership." If this measure becomes a law, it practically repeals the authority of the district court to control property in its hands.

A receiver is the agent and officer of the court and he acts under the instruction and direction of the court and gives bond for the faithful performance of his duty and the protection of all parties interested. But if this bill becomes a law the district court cannot order the receiver to take charge of

the property, or collect debts, or compel an accounting, or pay out any money or hire any person to do any work for the property in his charge or pay taxes on the property. In fact no order or direction can be given by the court to the receiver without the same can be appealed from and the case brought to the Supreme Court, and the whole matter stayed until the Supreme Court can hear it. The passage of this law would destroy the efficacy of a receiver in any case and would entail endless litigation, to such an extent that none but wealthy people could afford to go to court to maintain their rights.

The old law of appeal has been sufficient to suit all lawyers and litigants in this state for over thirty years, and no one found fault until the Boston and Montana Company were defeated in the Supreme Court, and now they must reverse it by an act of the legislature. Lawyers and parties who come to you to reverse the Supreme Court should be turned out of the doors of the assembly. It is an unfair way to try lawsuits, and if you countenance such procedure, every litigant defeated in the court will seek redress in the legislature.

For these reasons I cannot give my assent to the passage of this act.

Very respectfully,

ROB'T B. SMITH,

Governor.

The communication received was placed on file and ordered spread at length on the Journal of the House.

Mr. Speaker then announced that the question before the House was, shall the bill pass notwithstanding the veto of the Governor?

On motion of Cooney, seconded by ten members, a call of the House was ordered.

The roll was called and on motion of Cooney further proceedings under the call were dispensed with.

The roll was called and House Bill No. 124 was passed by the following vote:

Ayes 49, noes 21, absent none.

Ayes—Bonner, Boylan, Burke, Bywater, Clifford, Cooney, Crutchfiel, Day, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Madden, Magee, Marcyes, Martin, Matts, Murray, Normoyle, O'Brien, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Toole, Truscott, Warren, Watson, Wilson, Mr. Speaker—49.

Noes—Beasley, Bennett, Black, Conrow, Eversole, Garr, Johnson, Lockhart, Losekamp, Luddy, McLaughlin, McLeod, Metlen, Moran, More, Parker, Paul, Phelps, Shovlin, Walsh, Woods—21.

#### COMMUNICATION FROM THE SENATE.

The following communication was received from the Senate:

Helena, Montana, February 28th, 1899.

**Mr. Speaker:**

I am directed by the Senate to inform your honorable body that the Senate has passed House Bill No. 132, the vote of his excellency the Governor to the contrary notwithstanding, by a vote of twenty-one (21) in the affirmative and three (3) in the negative.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

On motion of Toole, House adjourned until 10:30 to-morrow.

C. R. CRAIG,  
Chief Clerk.

**FIFTY-NINTH DAY.**

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**HOUSE OF REPRESENTATIVES.**

Helena, Montana, March 1st, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The following report was received and read:

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee appointed to examine the Journal beg leave to report that we have examined the Journal of the Proceedings of the fifty-eighth day and find the same correct, and recommend that the Journal be approved as recorded.

DAY,  
Chairman.

On motion of Day, duly seconded, the report was adopted and the reading of the Journal was dispensed with.

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**REPORTS OF STANDING COMMITTEES.**

The following reports were received and read:

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee on Enrolment report House Bills Nos. 84, 94, 79, 80, 96, 101, 81, 103, 87, 85, 104, 52, 100, 91, 88, 106, 82, 86, 102, 93, 89, 92, 97, 98 as correctly enrolled.

MADDEN,  
Chairman.

The Speaker announced that he was about to sign the above named bills, and signed the same in the presence of the House.

The Speaker also announced that he was about to sign House Bills Nos. 132 and 124, relative to their passage by the House over the Governor's veto, and did so in the presence of the House and ordered them transmitted to the Senate for the signature of the President.

Representative Fine presented a petition signed by 15 citizens of Madison

County, protesting against the division of said county, which was ordered placed on file.

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REPORTS OF COMMITTEES.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 184, 181 and 148, respectfully report the same back as corectly printed.

NORMOYLE,  
Chairman.

The report was adopted and the bills were placed upon the General Orders.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee on Incorporations and Manufactures, to whom was referred Substitute for Senate Bill 98, respectfully report the same back with the recommendation that it do pass.

TOOLE,  
Chairman.

The report was adopted and Substitute for Senate Bill No. 98 was placed upon the General Orders.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Substitute for Senate Bill No. 34, "A bill for an act to amend Sections 1354, 1360, 1361 and 1367 of the Political Code of the State of Montana, relating to the printing of ballots and the maner of voting and to provide a sample form of ballot and greater secrecy in voting," respectfully report the same back and recommend that the consideration of the same be indefinitely postponed.

CRUTCHFIELD,  
Chairman.

The report was adopted and the further consideration of Substitute for Senate Bill No. 24 was indefinitely postponed.

The report of the Steering Committee was received and read.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of bills, resolutions and memorials now on General Orders in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

Senate Bill No. 45.

Senate Bill No. 75.

Senate Bill No. 78.

Senate Bill No. 83.  
Senate Bill No. 85.  
Senate Bill No. 95.  
Senate Bill No. 77.  
Senate Bill No. 84.  
Senate Bill No. 89.  
Senate Joint Memorial No. 5.  
Senate Joint Memorial No. 6.  
House Bill No. 139.  
House Bill No. 66.  
House Bill No. 46.  
House Bill No. 118.  
House Bill No. 49.  
House Bill No. 108.  
Substitute 2 House Bill No. 36.  
House Bill No. 146.  
House Bill No. 73.  
House Bill No. 17.  
House Bill No. 44.  
House Bill No. 160.  
Substitute House Bill No. 174.  
Substitute House Bill No. 116.  
House Bill No. 152.  
House Bill No. 161.  
Substitute House Bill No. 143.  
House Bill No. 144.  
House Bill No. 175.  
House Bill No. 178.  
House Bill No. 177.  
House Bill No. 179.  
House Bill No. 126.  
House Bill No. 53.  
House Bill No. 115.  
House Bill No. 138.  
House Bill No. 153.  
House Bill No. 111.  
House Bill No. 136.  
House Bill No. 147.  
House Bill No. 158.  
House Bill No. 105.  
Substitute House Bill No. 140.  
House Bill No. 154.  
House Bill No. 128.  
House Bill No. 62.  
House Bill No. 109.  
House Bill No. 141.

House Bill No. 169.  
House Bill No. 123.  
House Bill No. 68.  
House Bill No. 58.  
House Bill No. 35.  
House Bill No. 112.  
House Bill No. 64.  
House Bill No. 57.

E. D. MATTS,  
Chairman House Steering Committee.  
Approved, C. W. HOFFMAN,  
Chairman Senate Steering Committee.

The report was received and ordered placed on file.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee on Fish and Game, having had under consideration Senate Bill No. 39, report the same back to the House with the recommendation that it be indefinitely postponed.

GILLETTE,  
Chairman.

The report of the committee was adopted and Senate No. 39 was indefinitely postponed.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 94, "An act entitled an act to amend Section 649, Part III, Title I, Chapter III, Article XVIII, of the Political Code of the State of Montana, relating to the pharmaceutical laws," respectfully report the same back with the recommendation that same be concurred in.

CRUTCHFIELD,  
Chairman.

The report was adopted and Senate Bill No. 94 was placed on General Orders.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Moran:

House Bill 192—A bill for an act to amend Article 16, Chapter II, Title VI, Part III, of the Political Code of the State of Montana, by adding thereto Section 2850, for regulating the conducting and running of locomotives, traction engines, and other vehicles impelled by steam along highways, roads or streets, and over bridges, culverts and street crossings.



## FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 192 was read a first and second time and referred to the Committee on Judiciary.

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## COMMUNICATIONS FROM THE SENATE.

Helena, Montana, February 28th, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has passed House Bill No. 124, the veto of his excellency the Governor to the contrary notwithstanding, by a vote of twenty-two (22) in the affirmative and one (1) in the negative.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 121 has been concurred in and is herewith transmitted.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bill No. 121 was ordered enrolled.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following bill was introduced without previous notice by Committee on Corporations Other Than Municipal:

Senate Bill No. 104, entitled a bill for an act to amend Section 2211, of Title VII, of Chapter I, of Part III, of the Code of Civil Procedure of the State of Montana, relating to the right of eminent domain.

That House Bill No. 120 was indefinitely postponed.

That the President has signed House Bill No. 45, Senate Bills Nos. 61, 71, 57 and 25, Senate Joint Memorial No. 4 and Senate Joint Resolution No. 4.

That the Senate has passed Senate Bills Nos. 7 and 104 and Senate Joint Memorial No. 7, and same have been transmitted to Chief Clerk for your concurrence.

That the Senate has concurred in House Bills Nos. 151 and 155, House Joint Memorial No. 2 and House Joint Resolution No. 5, and same have been transmitted to Chief Clerk.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

The report was read and Senate Bills Nos. 7 and 104 and Senate Joint Memorial No. 7 were placed on the calendar for first and second reading.

House Bills Nos. 151 and 155 and House Joint Memorial No. 2 and House Joint Resolution No. 5 were ordered enrolled.

#### FIRST AND SECOND READING.

Senate Bill No. 7 was read a first and second time and referred to Committee on State Institutions, Public Buildings and Grounds.

Senate Bill No. 104 was read first and second time and referred to Committee on Incorporations and Manufactures.

Senate Joint Memorial No. 7 was read a first and second time and referred to Committee on Federal Relations.

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#### THIRD READING OF HOUSE BILLS.

House Bill No. 163 was read a third time at length and lost by the following vote:

Ayes 8, noes 49, absent 13.

Ayes—Boylan, Bywater, Fitzpatrick, Gallwey, Lockhart, Luddy, Marcyes, O'Brien—8.

Noes—Beasley, Bennett, Black, Conrow, Cooney, Fine, Finlen, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Magee, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—49.

Absent—Bonner, Burke, Clifford, Crutchfield, Day, Eversole, Flinn, Garr, Johnson, Madden, Normoyle, Parker, Sweeney, Toole—13.

House Bill No. 169 was read a third time and passed, title agreed to, by the following vote:

Ayes 53, noes none, absent 17.

Ayes—Beasley, Bennett, Black, Boylan, Bywater, Clifford, Conrow, Cooney, Fine, Finlen, Fitzpatrick, Gallwey, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Lockhart, Long, Luddy, Magee, Marcyes, Martin, Matts, McLeod, Metlen, Moran, More, Murray, O'Brien, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sullivan, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—53.

Absent—Bonner, Burke, Crutchfield, Day, Eversole, Flinn, Garr, Lamb, Losekamp, Madden, McLaughlin, Normoyle, Parker, Stapleton, Stone, Sweeney, Toole—17.

Kelley moved a call of the House, seconded by ten members.

The roll was called and there were absent Bonner, Fine, Lamb, Lewis, Madden, Normoyle, Parker, Stone, Toole.

On motion of Eversole, further proceedings under the call were dispensed with and the House took a recess until 2:30 p. m.

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2:30 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The following report was received and read:

Mr. Speaker:

Your Committee on Judiciary, having had under consideration House Bill No. 190, introduced by Moran, entitled "An act to repeal the last nine words of Subdivision II, and repeal all of Subdivision II, of Section 1211, Chapter III, Title II, Part III, of the Political Code, as re-enacted or added by an act of the Fourth Session of the Legislative Assembly, approved March 9th, 1897. The purpose of this act is to conform said Section 1211 of the Political Code to Section 3, Article IX, Constitution of the State of Montana," beg leave to recommend that the consideration of same be indefinitely postponed, and that substitute for same introduced by Judiciary Committee be printed.

CRUTCHFIELD,

Chairman.

The report was adopted and House Bill No. 190 was indefinitely postponed and the substitute was ordered printed.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills Nos. 84, 94, 79, 80, 96, 101, 81, 103, 87, 85, 104, 52, 100, 91, 88, 106, 82, 86, 102, 93, 89, 92, 97, 98 to the Governor for his signature at 11:50 a. m.

MADDEN,

Chairman.

The report was ordered filed.

Mr. Speaker:

We, your Committee on Incorporations and Manufactures, having had under consideration Senate Bill No. 104, beg leave to recommend that said bill be concurred in.

Also, having had under consideration Substitute for Senate Bill No. 87, beg leave to recommend that said bill be concurred in.

CRUTCHFIELD,

Vice Chairman.

The report was adopted and Senate Bill No. 104, Substitute for Senate Bill No. 87 were placed on General Orders.

The House then resolved itself into Committee on the Whole for the consideration of General Orders, Black in the Chair.

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House resumed.

Mr. Speaker in the Chair.

The following report was received and read:

Helena, ~~Montana~~, March 1st, 1899.

Mr. Speaker:

Your Committee of the Whole, having had under consideration the General Orders, have instructed me to report as follows:

First:

That we have had under consideration Senate Bill No. 45, and report the same back with the recommendation that it be concurred in.

Second:

That we have had under consideration Senate Bill No. 75, and report the same back with the recommendation that the House do concur.

Third:

That we have had under consideration Senate Bill No. 78, and report the same back with the recommendation that the House do concur.

Fourth:

That we have had under consideration Senate Bill No. 88, and report the same back with the recommendation that the House do concur.

Fifth:

That we have had under consideration Senate Bill No. 85, and report the same back with the recommendation that the House do concur.

Sixth:

That we have had under consideration Senate Bill No. 95, and report the same back with the recommendation that the House do concur.

Seventh:

That we have had under consideration Senate Bill No. 77, and report the same back amended, and the recommendation that the House do concur as amended.

Eighth:

That we have had under consideration Senate Bill No. 84, and report the same back with the recommendation that the House do concur.

Ninth:

That we have had under consideration Senate Bill No. 89, and report the same back with the recommendation that we be permitted to report progress and ask leave to sit again for its further consideration.

Tenth:

That we have had under consideration Senate Joint Memorial No. 5, and report the same back with the recommendation that its further consideration be indefinitely postponed for the reason that the same subject matter is more fully covered by a House Joint Memorial now under consideration in the Senate.

Eleventh:

That we have had under consideration Senate Joint Memorial No. 6, and report the same back with the recommendation that the House do concur.

Twelfth:

That we have had under consideration Substitute House Bill No. 139, and report the same back with the recommendation that the same do pass.

Thirteenth:

That we have had under consideration House Bill No. 66, and report the same back with amendments and the recommendation that the same do pass, as amended.

Fourteenth:

That we have had under consideration House Bill No. 46, and report the same back with title amended and the recommendation that the same do pass as amended.

Fifteenth:

That we have had under consideration House Bill No. 118, and report the same back with the recommendation that the same do pass.

Sixteenth:

That we have had under consideration House Bill No. 49, and report the same back with amendments and the recommendation that the same do pass as amended.

Seventeenth:

That we have had under consideration House Bill No. 108, and report the same back with the recommendation that the same do pass.

Eighteenth:

That we have had under consideration Substitute No. 2 for House Bill No. 36, and report the same back with amendments and the recommendation that the same do pass as amended.

Nineteenth:

That we have had under consideration House Bill No. 146, and report the same back with amendments and the recommendation that the same do pass as amended.

**Twentieth:**

That we have had under consideration House Bill No. 73, and report the same back with the recommendation that the enacting clause be stricken out, and its further consideration indefinitely postponed.

**Twenty-first:**

That we have had under consideration House Bill No. 17, and report the same back with amendments and the recommendation that it do pass as amended.

**Twenty-second:**

That we have had under consideration House Bill No. 44, and report the same back with amendment, and the recommendation that it do pass as amended.

**Twenty-third:**

That we have had under consideration House Bill No. 160, and report the same back with the enacting clause stricken out and recommendation that it be indefinitely postponed.

**Twenty-fourth:**

That we have had under consideration Substitute for House Bill No. 174, and report the same back with the recommendation that the same do pass.

BLACK

Chairman.

The report of the Committee was adopted and Substitute for House Bill 174, and Substitute No. 2 for House Bill No. 36, Substitute for House Bill 139, and House Bills 44, 17, 146, 108, 49, 118, 46 and 66 were ordered engrossed.

House Bills Nos. 160, 73 and Senate Joint Memorial No. 5 were indefinitely postponed.

Senate Joint Memorial No. 6 and Senate Bills Nos. 75, 84, 45, 78, 88, 85, 95 and 77 were placed on calendar for third reading.

Senate Bill 89 was re-committed to the General Orders.

The following report was received and read:

Helena, Montana, March 1st, 1899.

**Mr. Speaker:**

Your Committee on Printing, to whom was referred House Bills 172, 185, 191, respectfully report the same back as correctly printed.

NORMOYLE,

Chairman.

The report was adopted and House Bills Nos. 172, 185 and 191 were placed on the General Orders.

Helena, Montana, March 1st, 1899.

**Mr. Speaker:**

Your Committee on Enrollment report House Bills Nos. 121, 155, 151, 83, 48, and House Joint Memorial No. 2, also House Joint Resolution No. 5, as correctly enrolled.

**MADDEN,**  
Chairman.

The report was ordered placed on file.

The Speaker announced that he was about to sign the above named bills and thereupon signed them in the presence of the House.

The following receipt from the Governor was received:

Helena, Montana, March 1st, 1899.

Received this day from Henry C. Stiff, Speaker of the House of Representatives, enrolled House Bills Nos. 124 and 132, with certificates of the Speaker of the House and President of the Senate endorsed thereon, showing that each of said bills had passed the Senate and House by the constitutional majority after the same had been vetoed by the Governor.

**ROBT B. SMITH**  
Governor.

On motion of Stapleton, duly seconded, the House adjourned to 10:30 a. m. to-morrow.

**C. R. CRAIG,**  
Chief Clerk.

## SIXTIETH DAY.

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HOUSE OF REPRESENTATIVES,

Helena, Montana, March 2nd, 1899.

House met pursuant to adjournment at 10:30 a. m.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

The following report was received and read:

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

Your Committee appointed to examine the Journal beg leave to report that we have examined the Journal of the Proceedings of the fifty-ninth day and find the same correct, and recommend that the same be approved as recorded.

DAY,  
Chairman.

On motion of Day, duly seconded, the report was adopted, the rules were suspended and the reading of the Journal dispensed with.

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## COMMUNICATIONS FROM THE GOVERNOR.

February 28th, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day signed and approved House Bill No. 1, being an act entitled An act to amend Section 592 of the Code of Civil Procedure of Montana, relating to property held in joint tenancy and tenancy in common.

Very respectfully,

ROB'T B. SMITH,  
Governor.



March 1st, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I beg to inform you that I have this day approved and signed House Bill No. 45, relating to the appraisal, sale and leasing of state lands.

Very respectfully,

ROB'T B. SMITH,  
Governor.

March 1st, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I beg to inform you that I have approved and signed the following bills, each being an act to appropriate money to pay deficiency claims against the state:

House Bills numbered 79, 80, 81, 82, 84, 85, 86, 87, 88, 89 and 91.

Very respectfully,

ROB'T B. SMITH,  
Governor.

The several communications were read and ordered filed.

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#### REPORTS OF STANDING COMMITTEES.

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

Your Committee on State Institutions, etc., to whom was referred Senate Bill No. 7, an act appropriating funds to provide for the establishment and maintenance of a distinct and separate building and department for feeble minded children at the State Deaf and Dumb Asylum, located at Boulder, County of Jefferson, State of Montana, respectfully report the same back with the recommendation that further consideration be indefinitely postponed.

GALLWEY,  
Chairman.

The report was adopted and Senate Bill No. 7 was indefinitely postponed.

Helena, Montana, March 2nd, 1899

Mr. Speaker:

Your Committee on Appropriations, to whom was referred House Bill 182, respectfully report the same back with the recommendation that it be indefinitely postponed.

PAUL,  
Chairman.

The report was adopted and House Bill 182 was indefinitely postponed.

The following majority and minority reports were received and read:

Helena, Montana, March 2nd, 1899

Mr. Speaker:

Your Committee on Federal Relations report that they have considered Senate Joint Memorial No. 7, and recommend that it be concurred in.

STAPLETON,  
Chairman.

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

As a member of the Committee on Federal Relations, to whom was referred Senate Joint Memorial No. 7, introduced by Cullen, I am unable to agree with the majority report of the committee. The first portion of the memorial is clearly vague and indefinite as to what part of our country's history is referred to in the words "past financial condition thousands of able and energetic men throughout the United States." I certainly know of no period so deplorable as that ever memorable time from March 4th, '93, to March 4th, '97, when Grover Cleveland and a democratic administration held the reins of government and spread over this fair land, to every vale and hamlet, the withering blight of democratic free trade fallacies.

Has the honorable Senator from Dawson who introduced this memorial forgotten the never-to-be-forgotten time in the summer of '94 when the Montana contingent of Coxy's army created such excitement on the division of the N. P. R. R. over which the honorable Senator runs as conductor from Billings to Glendive? or has he been visiting with that rank anarchistic demagogue Altgeld of Illinois?

In contrast to that epoch of misery and ruin to thousands upon thousands of our citizens, I point with pride and without fear of successful contradiction to the present financial prosperity of our country, and to the millions who find ready and remunerative employment in every trade and industry. I maintain, sir, that large corporations, individuals, capitalists, tradesmen and laborers all require and demand that the existing gold standard is necessary to uphold the financial integrity of our country before the world, until silver can by international agreement of the great civilized nations of the earth be restored to monetary circulation at some fixed ratio which together those nations can and will maintain.

I protest against this Sixth Legislative Assembly of Montana memorializing the United States Congress in any such idiotic manner as suggested by this memorial, which will only make the people of this state conspicuous as upholding a policy condemned to-day by four-fifths of the votes of these United States. Stain enough has already been cast upon our escutcheon by this assembly without thus advertising to the world for more political odium.

HEDGES.

Stapleton moved the adoption of the majority report. Lindsay moved as a substitute the adoption of the minority report.

The question occurred on the adoption of the minority report, which motion was lost by the following vote:

Ayes 10, noes 52, absent 8.

Ayes—Beasley, Bywater, Hedges, Hill, Ingersoll, Jacqueth, Lindsay, Long, Magee, Marcyes, Sands—10.

Noes—Bennett, Bonner, Boylan, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hutchinson, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Losekamp, Luddy, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Warren, Watson, Wilson, Mr. Speaker—52.

Absent—Black, Burke, Conrow, Madden, Murray, Toole, Walsh, Woods—8.

The Speaker announced that he was about to sign Senate Bills Nos. 66, 86, 91, 30 and Senate Substitute for House Bill 34, and signed the same in the presence of the House.

The following report was received and read:

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills 48, 83, 121, 151, 155, House Joint Memorial No. 2, and House Resolution No. 5 to the Governor for his signature at 10:50 a. m.

MADDEN,  
Chairman.

The report was adopted and ordered filed.

The following report of the Steering Committee was received and accepted.

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

The House Committee of the Joint Steering Committee beg leave to report that they have fixed the order of the consideration of bills, resolutions and memorials now on General Orders in the House, and that said order shall be as follows, until otherwise ordered, to-wit:

Senate Bill No. 98.

Senate Bill No. 94.

Senate Bill No. 104.

Substitute Senate Bill No. 87.

Senate Bill No. 89.

Substitute House Bill No. 116.

Substitute House Bill No. 161.

Substitute House Bill No. 143.

House Bill No. 144.

House Bill No. 175.

House Bill No. 138.

House Bill No. 178.

House Bill No. 181.

House Bill No. 126.

House Bill No. 177.

Substitute House Bill No. 115.

House Bill No. 153.

House Bill No. 154.

House Bill No. 136.

House Bill No. 172.

House Bill No. 147.

House Bill No. 158.

Substitute House Bill No. 140.

House Bill No. 128.

House Bill No. 109.

House Bill No. 184.

House Bill No. 141.

House Bill No. 169.

House Bill No. 123.

House Bill No. 58.

House Bill No. 35.

House Bill No. 57.

House Bill No. 68.

House Bill No. 111.

House Bill No. 53.

House Bill No. 179.

House Bill No. 185.

House Bill No. 191.

House Bill No. 64.

House Bill No. 105.

House Bill No. 112.

House Bill No. 152.

House Bill No. 148.

House Bill No. 62.

E. D. MATTS,

Chairman House Steering Committee.

Approved, C. W. HOFFMAN,

Chairman Senate Steering Committee.

## NOTICES AND RESOLUTIONS.

Paul, of the Appropriations Committee, submitted the following:

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

I move that the Chief Clerk be and is hereby directed to date the employment of Charles Z. Pond from and including February 6th, and so place him on the pay roll of the House.

PAUL.

On motion duly seconded the motion was carried and it was so ordered.

The following motion was offered by Gallwey:

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

I move that the thanks of this assembly be and the same are hereby tendered the Anaconda Standard, Butte Miner, Butte Inter Mountain and Butte Times for the gratuitous distribution of their journals during the session.

GALLWEY.

On motion, duly seconded, the motion was unanimously adopted.

House Resolution No. 5, introduced by Walsh:

Be it resolved by the House of Representatives of the State of Montana, that the Secretary of State shall and he is hereby directed to furnish or mail each Senator and member of the Sixth Legislative Assembly one copy each of the Journals of the Senate and of the House of Representatives, and one bound copy of the laws enacted by the Sixth Legislative Assembly, as soon as the same have been printed.

The motion was unanimously adopted.

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COMMUNICATIONS FROM SENATE.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 167 and Substitute for House Bill No. 69 have been concurred in by Senate and are herewith transmitted.

Very respectfully,

D. P. O'CONNOR,

Secretary.

The report was read and House Bill 167 and Substitute for House Bill 69 were ordered enrolled.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House

Bill No. 166 has been amended in the Senate and concurred in as amended. Same is herewith transmitted asking your concurrence in amendment.

House Bill No. 125 has been concurred in and is herewith transmitted.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

The report was received and read and House Bill No. 166 was placed on the calendar for concurrence in amendments.

House Bill No. 125 was ordered enrolled.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am hereby directed by the Senate to inform your honorable body that House Bill No. 183 has been concurred in as amended by the Senate and with amendments attached has been transmitted to Chief Clerk for your concurrence to amendments.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bill No. 183 was placed on calendar for concurrence in amendments.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed to inform your honorable body that Senate Bills Nos. 52, 69, 70, 74 and 83 have been indefinitely postponed.

That the President has signed certificates of the passage of House Bills Nos. 132 and 124, over the Governor's veto; also signed House Bills Nos. 52, 79, 80, 81, 82, 84, 85, 86, 87, 88, 89, 91, 92, 93, 94, 96, 97, 98, 100, 101, 102, 103, 104 and 106, and Senate Bills Nos. 30, 66, 81 and 91, and Senate Substitute for House Bill No. 34.

House Bills Nos. 165, 157, 156, 137, 2, 164, 133 and 162, and House Joint Memorials No. 3, 3A and 6 have been concurred in by the Senate, and transmitted to Chief Clerk.

House Substitute for Senate Bill No. 38, and Substitute for House Bill No. 5 have been concurred in as amended by the Senate, and have been transmitted to Chief Clerk for your concurrence to amendments.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bills Nos. 162, 133, 164, 2, 137, 156, 157, 165, House Joint Memorial No. 6, House Joint Memorial No. 3 and House Joint Memorial No. 3A were ordered enrolled.

House Substitute for Senate Bill No. 38 and Substitute for House Bill No. 5 were placed on the calendar for concurrence in amendments.

## STATE OF MONTANA,

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House amendment to Senate Bill No. 86, and Senate Substitute for House Bill No. 34, have been concurred in.

Also House Bill No. 129 sent to Senate in error.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bill No. 129 was ordered enrolled.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Substitute for Senate Bill No. 65 has passed the Senate and is herewith transmitted.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Substitute for Senate Bill No. 65 was placed on file for first and second reading.

Helena, Montana, March 1st, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that Senate Bills Nos. 101 and 102 have passed the Senate and are herewith transmitted.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Senate Bills Nos. 101 and 102 were placed on file for first and second reading.

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FIRST AND SECOND READING OF SENATE BILLS.

Substitute for Senate Bill No. 65 read a first and second time and referred to the Committee on Printing.

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

Your Committee on Printing, to whom was referred House Bills 186, 187, 189, 188, 190, respectfully report the same back as correctly printed.

NORMOYLE,  
Chairman.

On motion of Gallwey, the rules were suspended and House Bills 188 and 189 were considered engrossed and placed on the calendar for final passage.

House Bills 186, 187, 190 were placed on the General Orders.

The following report was received and read:

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bills Nos. 69, 125, 167 as correctly enrolled.

MADDEN,  
Chairman.

The report was adopted and House Bills Nos. 69, 125, 167 were signed by the Speaker in the presence of the House.

The following report was received and read:

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred House Bills Nos. 174, 139, 66, 118, 46, 49, 108, 44 and 146, report the same back as correctly engrossed.

COONEY,  
Chairman.

The report was adopted and the several bills were placed on calendar for third reading.

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#### COMMUNICATIONS FROM THE SENATE.

The following communication was received and read.

Helena, Montana, March 2nd, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the following was introduced by Norris:

Senate Concurrent Resolution No. 1.

Be it Resolved, By the Senate, the House concurring, that a committee of three Senators be appointed by the President and three Representatives be appointed by the Speaker, and that said joint committee so appointed be authorized and directed to fix the time of the final adjournment of the Sixth Legislative Assembly of the State of Montana, and adopted.

The President of the Senate appointed as members of joint committee Senators Norris, Riddell and Hobson.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

On motion of Lindsay, seconded by Day, the House adopted the resolution and the Speaker appointed Crutchfield, Sweeney and Lindsay as a like committee from the House and instructed the Chief Clerk to immediately inform the Senate.

Senate Bill No. 101 was read a first and second time and referred to the Judiciary Committee.



Senate Bill No. 102 was read a first and second time and referred to the Committee on Agriculture and Stockgrowing.

### THIRD READING OF BILLS.

House Substitute for Senate Bill No. 38 was read a third time and concurred in by the following vote:

Ayes 42, noes 16, absent 12.

Ayes—Bennett, Black, Boylan, Bywater, Conrow, Cooney, Day, Eversole, Fine, Fitzpatrick, Flinn, Garr, Gibson, Gillette, Hill, Hutchinson, Ingersoll, Johnson, Kelly of Silver Bow, Kuphal, Lockhart, Luddy, Magee, Matts, McLeod, Metlen, Moran, More, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sweeney, Swindlehurst, Truscott, Walsh, Wilson, Mr. Speaker—42.

Noes—Beasley, Bonner, Burke, Clifford, Finlen, Gallwey, Hedges, Kelley of Cascade, Lewis, Lindsay, Long, Marcyes, McLaughlin, Normoyle, Sullivan, Watson—16.

Absent—Crutchfield, Jacqueth, Lamb, Losekamp, Madden, Martin, Murray, Stapleton, Stone, Toole, Warren, Woods—12.

The bill was ordered enrolled.

Senate amendments to Substitute for House Bill No. 5 were concurred in by the following vote:

Ayes 55, noes 6, absent 9.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Day, Eversole, Fine, Finlen, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hutchinson, Ingersoll, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Sullivan, Sweeney, Swindlehurst, Walsh, Watson, Woods, Mr. Speaker—55.

Noes—Clifford, Hedges, Jacqueth, Long, Normoyle, Wilson—6.

Absent—Crutchfield, Hill, Kelley of Cascade, Madden, Stapleton, Stone, Toole, Truscott, Warren—9.

And Substitute for House Bill No. 5 was ordered enrolled.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills Nos. 69, 125, 167 to the Governor for his signature.

MADDEN,  
Chairman.

The report was received and ordered placed on file.

Senate amendments to House Bill No. 183 were concurred in by the following vote:

Ayes 45, noes 19, absent 6.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Losekamp, Luddy, Madden, Magee, Matts, McLaughlin, Moran, Murray, Nor-moyle, O'Brien, Paul, Phelps, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Walsh, Warren, Watson, Wilson, Mr. Speaker—45.

Noes—Cooney, Day, Garr, Gibson, Gillette, Hedges, Johnson, Lindsay, Lockhart, Long, Marcyes, Metlen, More, Parker, Potting, Shovlin, Swindlehurst, Truscott, Woods—19.

Absent—Crutchfield, Finlen, Hill, Martin, McLeod, Toole—6.

House Bill No. 183 was ordered enrolled.

The following report was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Engrossment, to whom was referred Substitute No. 2 for House Bill No. 36, and House Bill No. 17, reports the same back as correctly engrossed.

COONEY,  
Chairman.

Substitute No. 2 for House Bill No. 36 and House Bill No. 17 were placed on the calendar for third reading.

#### COMMUNICATIONS FROM THE GOVERNOR.

The following communication from his excellency the Governor were received and read:

March 2d, 1899.

Mr. Speaker and Gentlemen of the House of Representatives:

I beg to inform you that I have this day approved and signed the following bills:

House Bills Numbered 92, 93, 94, 96, 97, 98, 100, 101, 102, 103, 104, each being an act appropriating money to pay deficiency claims;

House Bill 106, relating to the appointment of commissioners to measure water under a decree of court in certain cases;

House Bill No. 83, appropriating money to Deer Lodge county for cost of trials of escaped prisoners;

House Bill No. 121, providing for the purchase of 300 maps of the state for certain purposes;

House Bill No. 155, appropriating money to pay a deficiency claim in reference to the construction of Eastern Penitentiary;

House Bill No. 151, relating to fees of the Secretary of State;

House Joint Memorial No. 2, relating to the opening of the Pend d'Oreille river;

And House Resolution No. 5, relative to the election of United States Senator by direct vote of the people.

Very respectfully,

ROB'T B. SMITH

Governor.

The communication was received and ordered filed.

Woods moved, duly seconded, that the House took a recess until 1:30 p. m.

Normoyle moved as a substitute that the House take a recess until 2 p. m.

Substitute prevailed.

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2 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

Senate amendments to House Bill 166 were concurred in by the following vote:

Ayes 59, noes none, absent 11.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Day, Eversole, Fine, Fitzpatrick, Gallway, Garr, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—59.

Absent—Clifford, Crutchfield, Finlen, Flinn, Gillette, Jacqueth, Madden, Marcyes, Metlen, Sands, Toole—11.

House Bill No. 166 was ordered enrolled.

House Bill No. 66 was read a third time and passed by the following vote:

Ayes 61, noes none, absent 9.

The title was amended, on motion of Day, duly seconded, and as amended was agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Gallway, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, McLeod, Moran,

More, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—61.

Absent—Clifford, Finlen, Flinn, Madden, Marcyes, Metlen, Murray, Toole, Walsh—9.

Stone moved, duly seconded, that the rules be suspended and for the rest of the session all but appropriation bills be read by title only. The motion was adopted and it was so ordered.

The Committee on Agriculture and Stockgrowing asked permission at this time to make a report. Objection was made and the report was not received.

The Printing Committee also asked permission to report. Lindsay objected, division was demanded and resulted:

Ayes 30, noes 22. The motion was declared lost and the report was not received.

House Bill No. 146 was read a third time and passed.

Ayes 42, noes 23, absent 5.

Title agreed to.

Ayes—Beasley, Black, Bonner, Boylan, Burke, Bywater, Clifford, Day, Fine, Fitzpatrick, Gallwey, Hill, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Long, Losekamp, Madden, Magee, Marcyes, Matts, McLaughlin, Metlen, Murray, Normoyle, O'Brien, Paul, Phelps, Potting, Stapleton, Stephens, Stone, Sullivan, Sweeney, Truscott, Warren, Watson, Wilson, Mr. Speaker—42.

Noes—Bennett, Conrow, Cooney, Garr, Gibson, Gillette, Hedges, Hutchinson, Johnson, Lewis, Lindsay, Lockhart, Luddy, Martin, McLeod, Moran, More, Parker, Sands, Shovlin, Swindlehurst, Walsh, Woods—23.

Absent—Crutchfield, Eversole, Finlen, Flinn, Toole—5.

The following report was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bills Nos. 2, 133, 137, 156, 157, 162, 164, 165, 183, House Joint Memorial No. 3A, House Joint Memorial No. 3 and House Joint Memorial No. 6 as correctly enrolled.

MADDEN,

Chairman.

The report was adopted and the Speaker signed the above named bills in the presence of the House.

House Bill No. 118 was read a third time and passed by the following vote:

Ayes 61, noes none, absent 9.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Gallwey, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, O'Brien, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Warren, Watson, Woods, Mr. Speaker—61.

Absent—Boylan, Finlen, Flinn, Garr, Metlen, Parker, Toole, Walsh, Wilson—9.

The following report from the House Committee of the Joint Committee relative to adjournment was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Joint Committee, appointed for the purpose of fixing a time for adjournment of the House and Senate, have met and hereby make the following recommendations:

First—That the House take a recess at 6 p. m. and do no business thereafter, except receive reports of enrolling committee, the signing of bills by the Speaker, and acting on such business as may be communicated to the House from the Senate.

Second—That the House reassemble at 8 p. m. to receive reports of Enrolling Committee and communications from the Senate, and when all bills have been enrolled and signed by the Speaker, the House shall adjourn sine die.

Third—That the Senate shall remain in session a sufficient length of time after 6 p. m. to dispose of all House business completed by the House and ordered transferred to the Senate previous to 6 p.m.

Fourth—That the Senate shall take up no business except House business after 4 p. m.

Fifth—That the Senate shall re-assemble at 8 p. m. to receive the reports of its Enrolling Committee, communications from the House, and in order to permit the President to sign bills.

Sixth—That both House and Senate shall adjourn sine die as soon after 8 p. m. as all bills have been reported back from the enrolling committees and signed by the presiding officers of each house.

NORRIS,

Chairman Senate Committee.

CRUTCHFIELD,

Chairman House Committee.

House Bill No. 49 was read a third time and passed by the following vote:

Ayes 57, noes 3, absent 10.

Title agreed to.

Ayes—Beasley, Black, Bonner, Burke, Bywater, Clifford, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, McLeod, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Woods, Mr. Speaker—57.

Noes—Bennett, Conrow, Marcyes—3.

Absent—Boylan, Finlen, Lockhart, Madden, Metlen, Stone, Toole, Warren, Watson, Wilson—10.

House Bill No. 174 was read a third time and passed by the following vote:

Ayes 51, noes 15, absent 4.

Title agreed to.

Ayes—Beasley, Black, Bonner, Burke, Clifford, Cooney, Crutchfield, Fine, Fitzpatrick, Flinn, Gallwey, Hedges, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—51.

Noes—Bennett, Bywater, Conrow, Day, Eversole, Garr, Gibson, Gillette, Hill, Hutchinson, Johnson, Long, More, Shovlin, Swindlehurst—15.

Absent—Boylan, Finlen, Toole, Truscott—4.

House Bill No. 108 was read a third time and passed by the following vote:

Ayes 67, noes none, absent 3.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—67.

Absent—Finlen, Madden, Toole—3.

House Bill No. 44 was read a third time and passed by the following vote:

Ayes 67, noes none, absent 3.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—67.

Absent—Finlen, Madden, Toole—3.

House Bill No. 188 was read a third time and passed by the following vote:

Ayes 65, noes none, absent 5.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Willson, Woods, Mr. Speaker—65.

Absent—Boylan, Finlen, More, Toole, Watson—5.

House Bill No. 189 was read a third time and passed by the following vote:

Ayes 66, noes none, absent 4.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—66.

Absent—Boylan, Finlen, More, Toole—4.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bills Nos. 2, 133, 137, 156, 157, 162, 164, 165, 183, House Joint Memorial

No. 3A, House Joint Memorial No. 3, and House Joint Memorial No. 6 to the Governor for his signature, at 2:45.

MADDEN,  
Chairman.

The following report was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Judiciary, to whom was referred Senate Bill No. 101, respectfully report the same back with the recommendation that it be indefinitely postponed .

CRUTCHFIELD,  
Chairman.

Substitute for House Bill 139 was read a third time and passed by the following vote:

Ayes 64, noes none, absent 6.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Magee, Marcyes, Martin, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—64.

Absent—Clifford, Finlen, Luddy, Madden, Matts, Toole—6.

House Bill No. 46 was read a third time and passed by the following vote:

Ayes 62, noes 1, absent 7.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—62.

Noes—Marcyes—1.

Absent—Finlen, Lamb, Lewis, Madden, Normoyle, Sullivan, Toole—7.

Substitute No. 2 for House Bill No. 36 was read a third time and passed by the following vote:

Ayes 62, noes none, absent 8.

Title agreed to.



Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Mr. Speaker—62.

Absent—Burke, Finlen, Luddy, Normoyle, O'Brien, Sullivan, Toole, Woods—8.

House Bill No. 17 was read a third time and passed by the following vote:

Ayes 62, noes none, absent 8.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—62.

Absent—Clifford, Finlen, Luddy, Madden, Normoyle, Shovlin, Toole, Truscott—8.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 45 was read a third time and concurred in by the following vote:

Ayes 58, noes 1, absent 11.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, Matts, Metlen, Moran, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stone, Sullivan, Sweeney, Swindlehurst, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—58.

Noes—More—1.

Absent—Cooney, Crutchfield, Finlen, Johnson, Madden, McLaughlin, McLeod, Normoyle, Shovlin, Toole, Truscott—11.

Senate Bill No. 88 was read a third time and concurred in by the following vote:

Ayes 47, noes 17, absent 6.

Title agreed to.

Ayes—Bennett, Bonner, Boylan, Burke, Cooney, Crutchfield, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Hill, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lockhart, Luddy, Madden, Magee, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Sweetney, Truscott, Walsh, Warren, Watson, Wilson, Mr. Speaker—47.

Noes—Beasley, Bywater, Conrow, Day, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Johnson, Lewis, Lindsay, Long, Losekamp, Marcyes, Swindlehurst, Woods—17.

Absent—Black, Clifford, Finlen, Garr, Normoyle, Toole—6.

The following report was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bill No. 166 as correctly enrolled.

MADDEN,  
Chairman.

The Speaker signed House Bill No. 166 in the presence of the House.

Senate Bill No. 75 was read a third time and lost by the following vote:

Ayes 21, noes 35, absent 4.

Ayes—Beasley, Black, Bywater, Conrow, Eversole, Garr, Gillette, Hedges, Hill, Ingersoll, Jacqueth, Long, Magee, Marcyes, McLeod, More, Parker, Sands, Shovlin, Stephens, Woods—21.

Noes—Bennett, Bonner, Boylan, Burke, Cooney, Crutchfield, Day, Fine, Fitzpatrick, Flinn, Gallwey, Gibson, Hutchinson, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Losekamp, Luddy, Madden, Martin, Matts, Metlen, Moran, Murray, Normoyle, O'Brien, Paul, Phelps, Potting, Stapleton, Stone, Sullivan, Sweetney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Mr. Speaker—45.

Absent—Clifford, Finlen, McLaughlin, Toole—4.

The following report was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Bill No. 166 to the Governor for his signature at 3:30 p. m.

MADDEN,  
Chairman.

The report was received and ordered placed on file.

Senate Bill No. 78 was read a third time and passed by the following vote:

Ayes 52, noes 10, absent 7.

Title agreed to.

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Magee, Marcyes, Martin, McLeod, Metlen, More, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stephens, Sweeney, Swindlehurst, Truscott, Walsh, Watson, Woods, Mr. Speaker—53.

Noes—Black, Madden, Matts, Moran, Murray, Normoyle, Shovlin, Stapleton, Stone, Sullivan, Warren—11.

Absent—Cooney, Finlen, Flinn, McLaughlin, Toole, Wilson—7.

Senate Bill No. 85 was read a third time and concurred by the following vote:

Ayes 59, noes 4, absent 7.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hill, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLeod, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—59.

Noes—Hedges, Lindsay, Sweeney, Truscott—4.

Absent—Burke, Cooney, Finlen, Flinn, Hutchinson, McLaughlin, Toole—7.

Senate Bill No. 95 was read a third time and concurred in by the following vote:

Ayes 52, noes 3, absent 15.

Title agreed to.

Ayes—Beasley, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Eversole, Fine, Fitzpatrick, Gallwey, Gillette, Hedges, Hill, Hutchinson, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lewis, Lindsay, Luddy, Magee, Marcyes, Martin, Matts, McLeod, Metlen, Moran, More, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Watson, Wilson, Woods, Mr. Speaker—52.

Noes—Bennett, Garr, Gibson—3.

Absent—Crutchfield, Day, Finlen, Flinn, Ingersoll, Lamb, Lockhart, Long, Losekamp, Madden, McLaughlin, Normoyle, O'Brien, Stapleton, Toole—15.

Senate Bill No. 77 was read a third time and passed by the following vote:

Ayes 55, noes 3, absent 13.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Clifford, Conrow, Cooney, Day, Eversole, Fine, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Magee, Marcyes, Martin, Matts, McLeod, Metlen, Moran, Murray, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—55.

Noes—Bywater, More—2.

Absent—Crutchfield, Finlen, Flinn, Lockhart, Losekamp, Luddy, Madden, McLaughlin, Normoyle, O'Brien, Stapleton, Toole, Walsh—13.

Senate Bill No. 84 was read a third time and concurred in by the following vote:

Ayes 54, noes none, absent 16.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Day, Eversole, Fine, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Magee, Marcyes, Martin, Matts, McLeod, Metlen, Moran, More, Murray, Parker, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sullivan, Swindlehurst, Truscott, Warren, Watson, Wilson, Woods, Mr. Speaker—54.

Absent—Burke, Cooney, Crutchfield, Finlen, Flinn, Hill, Losekamp, Luddy, Madden, McLaughlin, Normoyle, O'Brien, Paul, Sweeney, Toole, Walsh—16.

Senate Joint Memorial No. 6 was read a third time and concurred in by the following vote:

Ayes 50, noes 6, absent 14.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Bywater, Conrow, Cooney, Day, Eversole, Fine, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lindsay, Lockhart, Long, Magee, Marcyes, Martin, Matts, McLeod, Metlen, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Shovlin, Stephens, Swindlehurst, Truscott, Walsh, Watson, Woods—50.

Noes—Burke, Madden, Stapleton, Sullivan, Warren, Mr. Speaker—6.

Absent—Clifford, Crutchfield, Finlen, Flinn, Lewis, Losekamp, Luddy, McLaughlin, Moran, Normoyle, Stone, Sweeney, Toole, Wilson—14.

The House thereupon resolved itself into Committee of the Whole for the consideration of General Orders.

Kelly of Silver Bow in the Chair.

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House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

The following report was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee of the Whole, having had under consideration the General Orders, beg leave to report as follows:

First:

Senate Bill No. 98 do pass.

Second:

Senate Bill No. 94 be concurred in.

Third:

Senate Bill No. 104 be concurred in.

Fourth:

Substitute for Senate Bill No. 87 be concurred in.

Fifth:

Senate Bill No. 89 as amended by the House, be concurred in.

KELLY,  
Chairman.

On motion of Day, duly seconded, the rules were suspended and the several bills were placed on third reading.

Kelley moved, and the motion was duly seconded, that the rules be suspended and the bills be read by title only.

Motion carried.

Substitute for Senate Bill No. 98 was read a third time and concurred in by the following vote:

Ayes 55, noes 1, absent 14.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Gallwey, Garr, Gibson, Hedges, Hill, Ingersoll, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Long, Luddy, Magee, Marcyes, Martin, Matts, McLoughlin, Metlen, Moran, More, Murray, Normoyle, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Truscott, Warren, Watson, Woods, Mr. Speaker—55.

Noes—Gillette—1.

Absent—Finlen, Flinn, Hutchinson, Jacqueth, Lindsay, Lockhart, Losekamp, Madden, McLeod, Shovlin, Sullivan, Toole, Walsh, Wilson—14.

Senate Bill No. 94 was read a third time and concurred in by the following vote:

Ayes 58, noes none, absent 12.

Title agreed to.

Ayes—Beasley, Bennett, Black, Bonner, Boylan, Burke, Bywater, Clif-

ford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kuphal, Lamb, Lewis, Lindsay, Long, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stephens, Stone, Sweeney, Swindlehurst, Truscott, Warren, Wilson, Woods, Mr. Speaker—58.

Absent—Finlen, Kelly of Silver Bow, Lockhart, Losekamp, McLeod, Normoyle, Shovlin, Stapleton, Sullivan, Toole, Walsh, Watson—12.

Senate Bill No. 104 was read a third time and concurred in by the following vote:

Ayes 60, noes 2, absent 8.

Title agreed to.

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, Murray, O'Brien, Parker, Paul, Phelps, Potting, Sands, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Wilson, Woods, Mr. Speaker—60.

Noes—Gibson, More—2.

Absent—Black, Finlen, Hill, Normoyle, Shovlin, Stapleton, Toole, Watson—8.

Substitute for Senate Bill No. 87 was read a third time and concurred in by the following vote:

Ayes 56, noes 2, absent 12.

Title agreed to.

Ayes—Beasley, Bennett, Bonner, Burke, Bywater, Clifford, Conrow, Cooney, Crutchfield, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Sands, Stephens, Stone, Sullivan, Swindlehurst, Truscott, Walsh, Warren, Woods, Mr. Speaker—56.

Noes—Lindsay, Sweeney—2.

Absent—Black, Bonner, Finlen, Hill, Johnson, Normoyle, Potting, Shovlin, Stapleton, Toole, Watson, Wilson—12.

Senate Bill No. 89 was read a third time and concurred in by the following vote:

Ayes 56, noes none, absent 14.

Title agreed to.

Ayes—Beasley, Bennett, Bonner, Boylan, Burke, Bywater, Clifford, Conrow, Cooney, Day, Eversole, Fine, Fitzpatrick, Flinn, Gallwey, Gibson, Gil-

lette, Hedges, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Lockhart, Long, Losekamp, Luddy, Madden, Magee, Marcyes, Martin, Matts, McLaughlin, McLeod, Metlen, Moran, More, Murray, O'Brien, Parker, Paul, Phelps, Sands, Stephens, Stone, Sullivan, Sweeney, Swindlehurst, Truscott, Walsh, Warren, Mr. Speaker—56.

Absent—Black, Crutchfield, Finlen, Garr, Hill, Johnson, Normoyle, Potting, Shovlin, Stapleton, Toole, Watson, Wilson, Woods—14.

The House then resolved itself into Committee of the Whole for the consideration of the General Orders, Kelly of Silver Bow in the Chair.

House resumed.

Mr. Speaker in the Chair.

Kelly, Chairman of the Committee of the Whole, reported that having had under consideration House Bill No. 116, would report the same back with the recommendation that the enacting clause be stricken out.

Lindsay moved as a substitute that the bill do pass.

The substitute was lost by the following vote:

Ayes 23, noes 44, absent 3.

Ayes—Beasley, Burke, Cooney, Day, Gallwey, Gibson, Hedges, Hutchinson, Johnson, Kelly of Silver Bow, Lewis, Lindsay, Long, Martin, Metlen, More, Parker, Paul, Sands, Stephens, Swindlehurst, Truscott, Wilson—23

Noes—Bennett, Black, Bonner, Boylan, Bywater, Clifford, Conrow, Crutchfield, Eversole, Fine, Fitzpatrick, Flinn, Garr, Gillette, Hill, Ingersoll, Jacqueth, Kelley of Cascade, Kuphal, Lamb, Lockhart, Losekamp, Luddy, Madden, Magee, Marcyes, Matts, McLaughlin, McLeod, Moran, Murray, Normoyle, O'Brien, Phelps, Potting, Shovlin, Stapleton, Stone, Sullivan, Sweeney, Walsh, Warren, Watson, Mr. Speaker—44.

Absent—Finlen, Toole, Woods—3.

And House Bill No. 116 was indefinitely postponed.

The following communication was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has concurred in House Bills No. 108, 118 and 66, and same has been transmitted to Chief Clerk.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bills Nos. 108, 118 and 66 were ordered enrolled.

The following report was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Substitute for Senate Bill No. 38 and Substitute for House Bill No. 5 as correctly enrolled.

MADDEN,  
Chairman.

The Speaker signed Substitute for Senate Bill 38 and Substitute for House Bill No. 5, in the presence of the House.

The following communication from the Senate was received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am instructed by the Senate to inform your honorable body that the Senate has amended House Bill No. 49, and same with amendments attached has been transmitted to Chief Clerk for your concurrence to amendments.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Senate amendments to House Bill 49 were concurred in by the following vote:

Ayes 48, noes 9, absent 13.

Ayes—Beasley, Bennett, Black, Boylan, Bywater, Conrow, Day, Eversole, Fine, Fitzpatrick, Gallwey, Garr, Gibson, Gillette, Hedges, Hutchinson, Ingersoll, Jacqueth, Johnson, Kelly of Silver Bow, Kuphal, Lamb, Lewis, Lindsay, Long, Losekamp, Luddy, Magee, Matts, McLaughlin, Metlen, More, Murray, O'Brien, Parker, Paul, Phelps, Sands, Shovlin, Stapleton, Stone, Sweeney, Swindlehurst, Walsh, Warren, Watson, Wilson, Mr. Speaker—48.

Noes—Bonner, Cooney, Crutchfield, Kelley of Cascade, Marcyes, Martin, McLeod, Moran, Stephens—9.

Absent—Burke, Clifford, Finlen, Flinn, Hill, Lockhart, Madden, Nor-moyle, Potting, Sullivan, Toole, Truscott, Woods—13.

House Bill No. 49 was ordered enrolled.

On motion, duly seconded, the House took a recess until 8 p. m.

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8 p. m.

House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

A call of the House was demanded and the following members were found to be absent.

Beasley, Bonner, Burke, Bywater, Clifford, Crutchfield, Eversole, Finlen, Flinn, Garr, Gillette, Lockhart, Luddy, McLaughlin, McLeod, O'Brien, Paul, Sweeney, Toole, Truscott, Woods.



On motion of Lindsay, duly seconded, further proceedings under the call were dispensed with by a vote of 22 to 17:

The following communication was received from the Senate:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am instructed by the Senate to inform your honorable body that the Senate has amended House Bill No. 146, and same with amendments attached has been transmitted to Chief Clerk for your concurrence to amendments.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Senate amendments to House Bill No. 146 were concurred in by the following vote:

Ayes 33, noes 15, absent 22.

Ayes—Bennett, Black, Day, Fine, Fitzpatrick, Gallwey, Gibson, Hedges, Hill, Hutchinson, Ingersoll, Jacqueth, Kelley of Cascade, Kelly of Silver Bow, Kuphal, Lamb, Lindsay, Long, Magee, Metlen, Phelps, Potting, Sands, Shovlin, Stapleton, Stephens, Stone, Sweeney, Swindlehurst, Walsh, Watson, Wilson, Woods—33.

Noes—Conrow, Cooney, Johnson, Lewis, Losekamp, Marcyes, Martin, Matts, Moran, More, Murray, Parker, Sullivan, Warren, Mr. Speaker—15.

Absent—Beasley, Bonner, Boylan, Burke, Bywater, Clifford, Crutchfield, Eversole, Finlen, Flinn, Garr, Gillette, Lockhart, Luddy, Madden, McLaughlin, McLeod, Normoyle, O'Brien, Paul, Toole, Truscott—22.

House Bill No. 146 was ordered enrolled.

A further communication from the Senate was received as follows:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has concurred in Substitute for House Bill 139, Substitute 2 for House Bill No. 36 and House Bills 17 and 46, and same has been transmitted to Chief Clerk.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

The above named bills were ordered enrolled.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has concurred in House Bills Nos. 188 and 44, and same have been transmitted to Chief Clerk.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

House Bills 188 and 44 were ordered enrolled.

On motion of Day, seconded by Bennett, the House took a recess until 9 o'clock.

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9 p. m.

The House resumed.

Mr. Speaker in the Chair.

Roll called.

Quorum present.

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#### COMMUNICATIONS FROM THE SENATE.

The following were received and read:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that House Bill No. 189 was rejected by the Senate by the following vote:

Ayes 12, noes 12.

That the Senate has refused to concur in Substitute for House Bill No. 174 by the following vote:

Ayes 11, noes 13.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has concurred in House amendments to Bills Nos. 89 and 77.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I have been directed by the Senate to inform your honorable body that the President has signed House Bills Nos. 69, 125, 167, 2, 133, 137, 156, 157, 162, 164, 165, 183, House Joint Memorials 3, 3A, 6, and House Bill 166.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the

Senate has concurred in report of Joint Committee appointed for the purpose of arranging the last day's business and time of adjournment.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

The several communications were ordered placed on file.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report that they have this day presented House Substitute for Senate Bill No. 38 and Substitute for House Bill No. 5 to the Governor for his signature at 8:45 p. m.

MADDEN,  
Chairman.

The report was ordered filed.

The following was presented by Warren:

Whereas, The session of the Sixth Legislative Assembly of the State of Montana is drawing to a close, and

Whereas, This Assembly has succeeded in transacting its business expeditiously and without the necessity of weary night sessions and their accompanying confusion, and

Whereas, We are informed by the press of the State that our work has been in the main satisfactory, and

Whereas, We believe that the efficiency of this Assembly has been due almost entirely to the excellence of its organization; therefore be it

Resolved, By the House of Representatives of the Sixth Legislative Assembly, that the thanks of the members be extended to Speaker Stiff and Speaker pro tem Lamb for their efficient services in presiding over the deliberations of this body; to Chief Clerk Craig and his assistants for the devotion to duty that has characterized their services; and to Sergeant-at-Arms Wegner, his assistants and pages, for their uniform courtesy and attentiveness.

On motion of Lindsay, duly seconded, the resolution was adopted.

Hedges moved, and the motion was duly seconded, that the gavel of the Sixth Legislative Assembly be presented to the State Historical Society. The motion prevailed and Mr. Speaker appointed Representative Hedges as a committee of one to present the same to the Librarian.

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#### COMMUNICATIONS FROM THE SENATE.

The following communications were received from the Senate:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I have been directed by the Senate to inform your honorable body that

the President has signed Substitute for Senate Bill 87, Senate Bills 104, 85, 98, 88, 89, 95, 45, 78, 77, 84, 94 and Senate Joint Memorial No. 6.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

The Speaker signed the above bills in the presence of the House.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I have been directed by the Senate to inform your honorable body that the President has signed House Bill No. 5 and House Substitute for Senate Bill No. 38.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

Helena, Montana, March 2d, 1899.

Mr. Speaker:

Your Committee on Enrollment report House Bills 17, 44, 46, 49, 66, 108, 118, 146, 188, and Substitute for House Bill 139 as correctly enrolled.

MADDEN,  
Chairman.

The Speaker signed House Bills Nos. 17, 44, 46, 49, 66, 108, 118, 146, 188, and Substitute for House Bill 139 in the presence of the House, and instructed the Chief Clerk to enter in full House Bill No. 188 upon the Journal of the House, as follows:

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#### HOUSE BILL NO. 188.

Introduced by Committee on Privileges and Elections.

#### A BILL FOR AN ACT

Entitled an act providing for the submission to the electors of the State of Montana, for their approval or rejection, an amendment to Section 5, Article VIII, of the Constitution of the State of Montana, relative to Justices of the Supreme Court.

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall be submitted to the qualified electors of the State of Montana at the next general election to be held within the State, the following amendment to Section 5, Article VIII, of the Constitution of the State of Montana, relating to the Supreme Court.

Section 2. Section 5 of Article VIII shall be amended as follows: "The Supreme Court shall consist of three Justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said Justices may adjourn the court from day to day, or to a day certain, and the Legislative Assembly shall have the power to increase the number of said

Justices to not less nor more than five. In case any Justice or Justices of the Supreme Court shall be in any way disqualified to sit in a cause brought before such Court, the remaining Justice or Justices shall have power to call on one or more of the District Judges of this State as in the particular case may be necessary to constitute the full number of Justices of which the said Court shall then be composed, to sit with them in the hearing of said cause. In all cases where a District Judge is invited to sit and does sit as by this Section provided, the decision and opinion of such District Judge shall have the same force and effect in any cause heard before the Court as if regularly participated in by a Justice of the Supreme Court.

Section 3. The vote upon this amendment shall be counted and canvassed by such persons and in such manner as provided by law for the counting and canvassing of the vote for members of Congress, and if a majority of all the votes cast at said election, for and against said amendment, shall be in favor of the amendment, the Governor of the State shall immediately so declare by public proclamation, and said amendment shall be in full force and effect as part of the Constitution from and after the date of said proclamation.

Section 4. The official ballot used at the general election held in November, 1900, shall have printed thereon the following words:

"For the amendment to the Constitution relating to the Supreme Court," and the words:

"Against the amendment to the Constitution relating to the Supreme Court."

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

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#### COMMUNICATIONS FROM THE SENATE.

The following communications were received from the Senate:

Helena, Montana, March 2d, 1899.

Mr. Speaker:

I am directed by the Senate to inform your honorable body that the Senate has appointed Senators Norris and Courtney to act with a committee of the House to wait upon his Excellency, the Governor, and ascertain if he has any further communications to make to this legislative assembly.

Very respectfully,

D. P. O'CONNOR,  
Secretary.

The communication was ordered placed on file and the Speaker appointed Representatives Crutchfield and Day as a like committee on the part of the House.

